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REMARKABLE TRIALS
AND
INTERESTING MEMOIRS,

From the Year 1740, to 1764.

VOL. I.

LEADER'S HANDBOOK

ARMED FORCES

574

REMARKABLE TRIALS
AND
INTERESTING MEMOIRS,
OF THE
Most noted CRIMINALS,
Who have been convicted at the ASSIZES,
the KING'S-BENCH BAR, GUILDHALL, &c.
FOR
HIGH-TREASON, || HIGHWAY,
MURDER, || FELONY,
CONSPIRACY, || BURGLARY,
RAPE, || IMPOSITION,
And other atrocious CRIMES, VILLAINIES,
and MISDEMEANOURS.

From the Year 1740, to 1764.

With an Account of their most memorable
EXPLOITS, ADVENTURES, CONFESSIONS,
and DYING-BEHAVIOUR.

IN TWO VOLUMES.

VOL. I.

L O N D O N :

Printed for W. NICOLL, at the Paper-Mill, in
St. Paul's Church-Yard. 1765.

W. Musgrave.



P R E F A C E.

IT will very probably be asked, by Persons of a sober and religious Turn, what Use or Service a Collection of this Nature, here offered to the Public, can be of to Mankind? Is there any Likelihood, that the Stories of Traitors, Murderers, Thieves, and Villains of the blackest Grain, should have any Tendency to reform the vitiated and corrupt Manners of the present Age? Will not the Memoirs of such abandoned Wretches have a quite contrary Effect, and be an Incitement, rather than a Curb, to the Licentiousness of our Youth, already too much depraved, and, in general, more apt to follow the worst than the best Examples? Parents and Guardians, who have the least Regard for the Welfare of the Children under their Care, will view these various Scenes of Iniquity with Abhorrence, and think it their Duty to keep their Pupils entirely

ignorant of such Enormities, lest their young Minds should receive any Infection from the Perusal of them.

To all which the Compiler of this Work returns for Answer, That, notwithstanding these hard Suggestions, he doubts not but he shall be able to prove, that Mankind in general, and every Rank and Degree of the Community will, at least may, be benefited by the Publication of these Relations. And,

I. To Parents, Guardians, Tutors, and others, who are entrusted with the Education of Youth, this Collection will be of admirable Use. For, by tracing the Steps of these Criminals, through the different Stages of their Wickedness to their final Catastrophe, they will be enabled to give such Lessons of Instruction to their young Pupils, as will very early convince them, of the sad and dreadful Consequences that necessarily attend Indulgencies to culpable Liberties of any Kind. They will the more easily inculcate the Precepts of Morality, by setting in Contrast to it the foul Aspect of Vicious Habits and a contaminated Life: By which Means

P R E F A C E.

Means they will gently, yet effectually, lead them to an Abhorrence of Vice, and a Love of Virtue, and so conduct them to Honour and Happiness; for 'tis a known Observation, that a young Mind is like a white Sheet of Paper, on which may be inscribed the most beautiful Images, as well as the ugliest Deformities.

2. Such as are arrived at Years of Maturity, and on the Point of setting out in the World, will here see the fatal Steps that have led others to their Ruin; and by carefully attending to the Motives and Causes of their Seduction, and the Shame, Ignominy, and Disgrace that have constantly accompanied such Pursuits, they will naturally be on their Guard, and studiously avoid the involving themselves in the like Miseries and Calamities; especially when 'tis considered, that such Sufferings, being justly inflicted, can have no Title or Claim to the Pity, Compassion, or Assistance of their Friends. Besides, when they see the Regret, Discontent, Remorse, and Disorder, that are ever at the Heels of the transient and delusive Pleasures of Vice, they will be

terrified from following Courses, so visibly, so diametrically opposite to their real Interest and Happiness.

3. By carefully observing the various Methods, practised by these Rogues in Grain, in contriving, managing and executing their Impositions, Frauds, and Robberies, the honest Trader will be taught Lessons of Prudence and Forecast, and how to counteract and frustrate the villainous Attempts of these common Enemies of Society. For, though these Invaders of our Property employ all possible Art and Stratagem in carrying on their iniquitous Schemes, yet they often meet with a Rebuff, and are caught in the Trap they laid for others; and this happens when, on such Occasions, we are vigilant, active, and behave with a proper Spirit; for though they assume a Sort of Courage when they get a Pistol in their Hand, yet they dread nothing so much as Meeting with Persons of Resolution; and carefully avoid an Attack where they have the least Suspicion of a rough Greeting. 'Tis the Timid and Fearful, the
Heedless

Heedless and Unwary, that are their Game; they watch Opportunities to seize their Plunder, when People are most off their Guard, and least suspicious of any Danger near them.

4. In the Course of these Trials and Memoirs, besides the Relations of many uncommon Facts and Adventures, the Reader will find several curious Points in Law debated, and resolved; and may, perhaps, light on a Case parallel to his own, or that of a Friend or Neighbour; a Case which has puzzled the wisest Heads of their Acquaintance; and to find it judicially determined to their Hands, must afford them no small Satisfaction.

There are many Cases in Treason and Murder, (to mention no other) which sometimes surpass the Understanding of a Jury to determine upon, till they are informed how the Law directs in such particular Points. The Pleadings may be erroneous, the Evidence rendered uncertain, or be perverted by the Art and Sophistry of the Council, till the several Wind-

Windings and Doubles are unravelled, and the various Obstructions to Justice removed, by the Oracle on the Bench. Several Instances of this Kind will be found in the Course of this Work, which, therefore, may be pronounced truly useful.

By this Time, I presume, it appears, that my Labour in compiling this Collection, instead of being hurtful, has at least the Good of Society in View; that the Objections against a Work of this Nature are merely chimerical; and that, in many Respects, it may be of real Use to several Sorts of People, even more than, at first Thought, could be imagined. And whoever takes Delight in seeing the various Passions and Weaknesses of human Nature, properly displayed, will here have an Opportunity of gratifying his Curiosity. Here he may behold, (at least in Imagination) the Felon holding up his trembling Hand at the Bar; by and by he sees him struck with Horror and Confusion at the dreadful Sentence of Death pronounced against him; after this he finds him in his gloomy Cell, perhaps wringing his Hands, beating

beating his Breast, and cursing his Folly, and those loose Companions, who drew him to commit Actions in Breach of the Laws both of God and Man, whereby he has rendered himself the Object of general Detestation, a Horror to himself, and a public Spectacle of deserved Punishment, to warn others of the Danger of following such an Example. Anon he is led forth, manacled, to the fatal Tree. See his ghastly Looks, his Joints trembling, his Knees knocking ! Hear his piteous Cries to Heaven for Mercy ! What Agonies does he not suffer in the Prospect of immediate Death ! All his flashy Courage has now left him, and his Passions appear in their natural Complexion, and his Expressions are the true Transcript of his Heart ; and we see his whole Soul in his distracted Countenance.

From such a Spectacle as this, who will say, any Motives or Inducements can be raised to encourage Youth to follow the Example of so miserable a Wretch ?

On

On the contrary, I am persuaded, that Examples of Punishment are the most proper Means to deter Youth from running into Excesses, which they see terminate in irretrievable Ruin. And this, indeed, is the principal View of the Legislature in inflicting Penalties : For, as no Reparation can be made to the injured, by the Death or other Infliction on the Offender, for Crimes already perpetrated, no other Benefit can accrue to the Publick from their Punishment, but the terrifying others from incurring the like miserable Fate, who may, by such a dreadful Warning, be taught to secure their own future Welfare and Happiness; and thus the Lives and Properties of their Fellow-subjects become less endangered, by the Terror which such public Spectacles impress on the Minds of those who might, otherwise, be inclined to follow such iniquitous Practices. Justice, indeed, requires, that Iniquity should meet with its due Reward ; and when it is impartially administered, Virtue feels itself enlarged for Action, and Vice hides its daring Front, skulks in Corners, and seeks the most gloomy Retreats.

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REMARKABLE TRIALS
AND
INTERESTING MEMOIRS.

Charles Drew, for the Murder of his Father,
March 1740.

INTRODUCTION.

MURDER is a Crime of so atrocious a Nature, that all Nations, even the most savage and barbarous, have it in such Abhorrence, as to punish it in the most exemplary Manner. But *Parricide* is a Sin so enormous, that the *Greeks* and *Romans* were a long Time without any Law to punish it, from a Persuasion, that it was not possible for a Man to arrive at such a Degree of Profligacy, as to commit Violence on the Life of the Author of his own Being: But when the Degeneracy of human Nature made such

2 Charles Drew, for Murder.

a Law necessary, the guilty Wretch was tied up in a Sack, together with a Cock, an Ape, and a Serpent, and thrown into the Sea. When, therefore, such an Instance happens, to the Disgrace of any Age, or Nation, it is highly proper, that the detestable Criminal, together with the Manner and Means of perpetrating so nefarious a Deed, should be minutely described, with all the concurring Circumstances. For these Reasons we have given this Trial at large, that others, from the Perusal of it, may be instructed to avoid such a dreadful Gulph of Guilt and Misery.

CHARLES DREW, of Long Melford, in the County of Suffolk, was indicted at the Assizes held at Bury for the said County, March 27th, 1740, for the Murder of Charles John Drew, Gentleman.

Christopher Colby. I was Servant to the deceased at the Time of his Death; I went to Bed about 9 o'Clock, and at 6 the next Morning I saw my Master lie on the Ground, near the Office-door; and thinking him to be in a Fit, I ran up again to a Boy who was my Bedfellow, and bid him get up, for his Master was either dead or in a Swoon.

Court. What do you mean by the Office-door?

Colby. The Necessary, that was some small Distance from the House, which at first made me think he had got up in the Night to do his Occasions, and fell down there in a Swoon.

Edward Pickering, a Servant. I seeing my Master lying on the Ground, I ran directly down to the lower House, and told them that my Master was either dead or had Fits.

Court. Who was your Master?

Pickering. Mr. Charles John Drew.

Juryman. Did not your Master and his Family live together in one House?

Pickering.

Charles Drew, for Murder. 3

Pickering. No, nor have lived together for several Years.

Court. Did not the Prisoner live in the same House with his Father?

Colby. No: He was so irregular in his Behaviour, that my Master would not put up with it.

Court. Prisoner, will you ask this Witness any Questions?

Prisoner. Whether he did not tell me, that his Master was alive at Twelve, that Night he was killed?

Colby. My Lord, I never did, though the Prisoner tells me I did say so, in a Letter he sent to me when he was in Gaol.

[*The Letter was produced and read as follows.*]

‘ Christopher,

‘ I hope you remember what you told me, and that was, your Master was alive at 12 that Night he was killed; therefore I hope you will be so good as to be at the Assizes, and affirm that; which will be of great Service to me. And go to *Ani Child*, of the *Lower House*, and desire her to be at the Assizes, and let her know she could very safely swear, that she *let* (left) me there at (*Lower House*) 11 that Night. If you and she will do this, there is no one can hurt me, and you will ever oblige

‘ Your Friend and Servant,

‘ Charles Drew.’

‘ Don’t mind the Report of the World.’

James Drew. I was called out of Bed early in the Morning after the Prisoner’s Father was killed, and I went to the Deceased’s House, and felt his Hands and Face, and thought him dead. Some

4 Charles Drew, for Murder.

Hours after he was laid upon his Bed, I found five Wounds upon him.

Lawrence Rainsbird, Surgeon. I examined the Wounds of the Deceased, and attended the Coroner's Inquest, whilst they were sitting, and found five Ho'es in the Breast of the Deceased, and three in his Back; and I took three Balls out of his Body, which were the Cause of his Death.

Mr. Mason, one of the Coroner's Inquest. Whilst the Coroner and Jury sat upon the Body of the Deceased, the Prisoner was several Times requested to attend the Inquiry; but, though he was in the House, he absolutely refused to appear.

Edward Humphreys. I have known the Prisoner, *Charles Drew*, several Years, and likewise the Deceased, whom I have employed several Times as an Attorney.

Court. What Business do you follow?

Humphreys. I have dealt in Brandies.

Prif. My Lord, he is a Smuggler.

Court. Do you know any Thing of what he should say relating to his Father's Usage?

Humphreys. I have heard the Prisoner say, he wished his Father dead, because he never allowed him any Money, and that he had been obliged to borrow Money at Interest of several Persons, but I never heard him talk of killing his Father till that Night the Murder was committed.

Court. Did you ever hear what the Deceased allowed the Prisoner for Pocket-money?

Humphreys. I can't say directly what the Sum was, but I have heard 200 l. and he had the Use of the Deceased's Hunting Dogs.

Court. Where was you the Night when the Murder was committed?

Humphreys. I was coming from *Witham*, and saw the Prisoner at the Back-gate, at the Upper *Hou*

Charles Drew, for Murder. 5

Houſe belonging to his Father. This was about 11 o'Clock at Night.

Court. What Busineſſ had you at *Witham* that Day?

Humphreys. I live near that Place.

Court. When you ſaw the Prisoner, what did he ſay to you?

Humphreys. He asked me to go to the *Lower Houſe*, about a quarter of a Mile off; I ſaw a Gun in his Hand, which he put in the Little Houſe in the Orchard; we went together, and there we drank a Dram.

Court. Did not you ask him what he did with that Gun at that Time of Night?

Humphreys. My Lord, the Prisoner is uſed to Frolicks, and I looked upon it as one of them.

Court. Where did you go after you left the Little Houſe?

Humphreys. The Prisoner desired me to go to *Lyfton-Hall*, and as we went along, the Prisoner took the Gun out of the Little Houſe, and then we went forwards towards the Deceased's Houſe.

Court. Where was you when the Prisoner took the Gun out of the Little Houſe?

Humphreys. I was close to him, and walked along with him up to his Father's Houſe.

Court. And what paſſed between you and the Prisoner as you went along?

Humphreys. My Lord, the Prisoner told me, if I would take the Gun, and do with it what he bid me, he would ſettle on me 100 l. a-Year. Upon which I took the Gun; as we went on, he proposed to me, that he would go to his Father's Houſe, knock at the Door, and when his Father came down, ſaid he, do you ſhoot him.

Court. And what ſaid you to that?

Humphreys. My Lord, I undertook to ſhoot Mr. Charles John Drew; but when I drew nearer to

6 Charles Drew, for Murder.

the House, my Heart misgave me, and I told the Prisoner I would not do it. Upon which the Prisoner took the Gun out of my Hand, and said, then I will shoot him myself: But I endeavoured to dissuade him from it.

Court. Where was you and the Prisoner then?

Humphreys. We were near old Mr. *Drew's* House, and I saw him go up to his Father's Door, and knock at it.

Court. When you saw the Prisoner so resolute, why did not you endeavour to prevent the Murder by making an Outcry?

Humphreys. I did, my Lord, but the Prisoner threatened to shoot me.

Court. How far distant were you when the Prisoner shot his Father?

Humphreys. Not twenty Yards off. I saw the whole Action. The Prisoner knocked at the Deceased's Door, and the Deceased opened a window, and said, *Charles, is it you? I will let you in presently.* Accordingly, the Deceased came down, opened the Door, and immediately the Prisoner shot his Father.

Court. Are you sure you saw the Prisoner shoot the Deceased?

Humphreys. Yes, my Lord; immediately after the Gun went off, I saw Mr. *Charles John Drew* fall down, and soon after the Prisoner came up to me, and we walked the Length of two Fields together, towards *Lyston-Hall*, and as we were going along, the Prisoner told me *the Jobb was done.*

Court. Where did you go then?

Humphreys. I walked about a Quarter of a Mile towards *Lyston-Hall*, and took Horse to go to *Dunmow*, where I had appointed to meet some Friends, that Night.

Court. And from thence where did you go?

Hum-

Charles Drew, for Murder. 7

Humphreys. To London; where the Prisoner and I agreed I should go. I went to Mr. Mace's Lodgings at the *Angel and Crown* in Fleet-Lane, and the Prisoner was to direct a Letter to me, under the Name of *John Smith*, Surgeon, to be left at Mr. Mace's for me, with a Bank Note inclosed for 100*l.* which was to defray my Expences. My Lord, I received a Letter from the Prisoner, but in it no Bank Note.

[Here the Letter was produced and read as follows.]

To Mr. John Smith, Surgeon, at Mr. Mace's, at the *Angel and Crown* in Fleet-Lane, London.

‘ S I R,

‘ Several Persons begin to think you killed my Father, because you are absent. I would therefore advise you to return to *Melford* on the Receipt hereof, to remove the Suspicion. I would have sent you the Bank Note, but as it is necessary you should come hither with Speed, lest it should miscarry, I have reserved it to give you myself. I will take care, *Humphreys*, you come to no Harm.

‘ Yours, *Charles Drew.*

Feb. 16, 1739.

Court. Go on, Witness.

Humphreys. Accordingly, I immediately returned to *Melford*, and the Coroner's Inquest having set on the Body of Mr. *Charles John Drew*, it was freely talked that I was the Person who had murdered him, and upon the Suspicion I was taken up and committed to Gaol.

Court. How long was it after you returned to *Melford* that you was sent to Gaol?

Humphreys. Two Days.

8 Charles Drew, *for Murder.*

Court. What passed between the Prisoner and you during that Time?

Humphreys. The Prisoner promised me he would supply me with Money in case I should be taken up and confined on account of his Father's Death; and when I was in Gaol the Prisoner threatened Destruction to all, who should be aiding or assisting in my Prosecution; and declared, he would give 30,000 l. (which, he said, was half the Estate he got by his Father's Death) rather than I should be prosecuted for such an Offence. Soon after, the Prisoner went to *London*, and I being in Gaol, and in great Want of Money, sent a Letter inclosed for the Prisoner, directed for *William Macr*, at the *Angel and Crown* in *Fleet-Lane*, in which I requested him to send me the 100 £. he had promised me for my Subsistence.

[*The Letters were read.*]

‘ S I R,

‘ I beg you'd be so kind as to find out the Gentleman as the inclosed is directed; for I must put you in mind, that there may be no Delays, but have it done this Night, if you can, I am,

‘ Your humble Servant,

‘ *John Smith.*

March 9, 1739.

To Charles Drew, Esq; with Speed and Care.

‘ S I R,

‘ This Day I received your kind Favour, which I return you Thanks for the same. I am very sorry that you should leave your House on this Account; I make no doubt but all Things will go well. I must beg you will be pleased to send me some Money, for this Place is very expensive, and there is nothing to be done without,

‘ *Cafe*

Charles Drew, for Murder. 9

Case now stands with me at this Time. If you please to send me about 100*l.* I make no Fear but all Things will go well. You may send your Man to me very safe; and let him come by the Way of New-Market to me. If you can no Way send your Man, you may direct to be left at my Wife's Brother's, *Jam's Ambr se*, in East-Lington. If you have not so much Cash by you, you may send it in Bank Notes, and make it up in a Parcel. I shall retain Council in the County. I have employed an Attorney in Bury. Pray, let me hear from you by Wednesday at Night, without Fail, from

Yours,

John Smith.

March 9, 1739-40.

Court. Had you no Money of the Prisoner?

Humphreys. When I was in Custody I had 20*l.* of him.

Court. When was the 20*l.* received? Was it before or after you sent the Letter?

Humphreys. I cannot tell whether it was before or after, but I remember it was about a Fortnight after the Murder was committed. I asked the Prisoner, if he was not sorry at the Death of his Father? He told me he was not; for if he had lived he would have ruined the Family. The Prisoner told me he would do something for me, on account of the Acquaintance we formerly had had together, and that he heard nothing of Drew's Death till after he had been in London: The Prisoner did promise me 1000*l.* if I could keep a Secret.

Court. Prisoner, have you any Questions to ask the Evidence?

Prif. My Lord, I desire the Witness may be asked, Whether the Gun he had of me was loaded, what was in it, and who owned it?

10 Charles Drew, for Murder.

Humphreys. My Lord, I cannot tell whether the Gun was loaded; but the Gun was, as the Prisoner told me, Mr. Richardson's; and his House-keeper, Mrs. Boyer, lent it to him; and the Prisoner said it had Slugs in it, that it was ready-primed, and that he would engage it would do the Business.

Prif. Whether we had not a Design of going a shooting of Partridges the next Morning, and whether he did not request to go Home with me that Night?

Humphreys. No, my Lord, I had no such Intentions: but I went with him to shoot his Father.

William Mace. I have been acquainted with *Humphreys* some Time; I have been a Smuggler, and so has he. He was brought Prisoner to the *Fleet* for smuggling, where I became acquainted with him. On the 1st of *February*, about 5 or 6 o'Clock, he came to me; I had not seen him for a long Time before; he desired me to help him to a Lodging; and it being Night, I told him, he should be welcome to lie with me that Night, and in the Morning I would go and take a Lodging for him. He said, he had rode very hard, and was much tired; and that he came to Town about some Law Busines^s, and expected a Letter with 100*l.* Bank Note therein, which, he said, was to be directed for *John Smith*, a Surgeon, and to be left for him at my Lodgings, and which he desired me to take care of; and acknowledged that the pretended *John Smith* was himself. *Humphreys* received the Letter, but not the Bank Note. Upon which he said he must go into the Country, and accordingly set out; after which, he was taken up, on account of the Fact; and the Prisoner gave me three Guineas, and two Half-guineas, to go down to *Bury Gaol* to *Humphreys*, to see what I could say to him; and at the same time, he told

me *Humphreys* should not be hanged. Accordingly I went to *Bury*, and saw *Humphreys*; after which I went to *Studbury*, where the Prisoner had appointed to meet me, that he might be informed what had passed between me and *Humphreys*; but the Prisoner did not come according to his Appointment.

Court. Did you carry a Letter to the Prisoner?

Mace. I went to *Staples-Inn Coffee-house*, in *Holborn*, and at the Bar I enquired for Mr. *Drew*. I did not know the Gentleman, for I had never seen him in my Life; and a Gentleman sitting in the public Coffee-room said his Name was *Drew*, on which I delivered him the Letter. The Gentleman read it, and desired me to leave my Name, and where I lived, that he might send to me. I told him, I lodged at the *Angel and Crown* in *Fleet-Lane*: This Gentleman sent for me to a Coffee-house by *Fleet ditch*, and desired me to go with him to the other End of the Town, which I agreed to, and he had me carried before Justice *Deveil*, who examined me relating to this Murder. But I could say nothing about it, nor could say further than I knew. By which I found I had delivered the Letter to Mr. *T. Drew*, instead of the Prisoner.

Timothy Drew. My Lord, *Mace*, not knowing where to find Mr. *Charles Drew*, enquired next Morning at *Mackrell's Coffee-house* in *Bartletti's Buildings*, *Holborn*, if they knew one Mr. *Drew*. The People of the House told him, they knew Mr. *Drew* very well; and immediately sent for me. As soon as he saw me, he said, you are not the Gentleman I want. I told him my Name was *Drew*, and asked him what he wanted. Mr. *Mace*, otherwise Capt. *Ratt*, said, I have a Letter here, but have forgot where the Gentleman lives. I am to deliver it to. I told him it was strange

he did not know how to deliver his Letter, and asked him if I should assist him? Upon which the Captain readily delivered it to me. I left the Coffee house and read it; after which I returned to the Coffee house, and told the Captain I had taken care of his Letter. Upon talking with *Mace*, I found he was a Smuggler, and bargained with him for two Pounds of tea. I persuaded the Captain to go to my Chamber in a Coach, and when he was in the Coach, I ordered the Coachman to drive to Col. *De Vel's*, where the Captain behaved very indecently, and told the Colonel he was a Smuggler, and had broke 13 Goals already, and swore he would break another, and would be next Week in France; upon which he was committed to the Gate house.

Court. And what happened afterwards?

T. Drew. The next Morning I sent to the Crown-Inn, in *Hilborn*, to enquire for Mr. *Gent*, who not being in Town, I left word, that I desired to speak with him, and he came the next Day to me, and I told him I had Business with Mr. *Charles Drew*, and we agreed to sup all together at the *King's Arms* Tavern. At the Time appointed Mr. *Gent* met me; but the Prisoner not appearing, I asked *Gent*, why Mr. *Charles Drew* had disappointed him? He replied, because there are a great many People in the House, and some of them are Officers, meaning Serjeants. I had Col. *De Vel's* Warrant to apprehend *Charles Drew*, in my Pocket, backed by an Alderman of *London*, and intended to have taken him that Night, but was disappointed. However, I was informed, that he had been at the Tavern Door that Night, but suspecting something, he durst not venture into the House; and I got Intelligence that he went by the Name of *Thomas Roberts*, and lodged in *Shoe-Lane*. I got proper Assistance, and went the next Morning to the

the old Boot-Shop, where I enquired for Mr. *Roberts*; the People of the House denied him, and said, no Gentleman lived there. But this not being satisfactory, I caused the House to be searched diligently, but did not find the Prisoner. Upon this I searched several Coffee-Houses in and about *Leicester-Fields*, to no Purpose; till, at last, I thought of enquiring for him at some Bagnio's, and immediately went to *Eastmead's*, at the *Crown* in *Leicester-Fields*, and enquired if a young Gentleman, one Mr. *Roberts*, did not come in there late last Night, or early that Morning? One, whom I took to be the Master of the House, told me, some Gentlemen had lodged there last Night, but that now they were all gone, and there was no Man,—and immediately having said this, he went backwards; I tripped softly after him, and heard him say to the Servants,—*Do you hear? There is Nobody above;* upon which they all declared, there was no one in the House. I told them, if Mr. *Roberts* was there, they must not deny him, for I came from Mr. *Gent*, and had a Letter to deliver into his own Hands. Still every one denied him; but having some Suspicion of his being there, I sat down, and called for a Pint of Wine, which being brought, I desired the Waiter to sit down and drink with me. After some Talk and Importunity, I found the Waiter's Name was *Manning*; Mr. *Manning*, said I, my Service to you, (drinking to him) but, Mr. *Manning*, I must tell you, that I know Mr. *Roberts* is here, and his right Name is *Charles Drew*; he has murdered his Father, and if you secrete a Murderer, I will blow Mr. *Eastmead's* House up. Pray, Sir, said he, don't speak so loud. I tell you, said I, I will speak much louder, and will have you taken up for hiding a Murderer; therefore tell me the Truth immediately. He then acknowledged, that truly there was such a Gentleman in the House, and he
was

was just come from serving him with Tea. I bid him go immediately to him, and tell him a Gentleman waited on him with a Message from Mr. Gent, and must speak with him. Upon this, *Charles Drew* ordered me into his Room. As soon as I entered the Room, I asked him if his Name was *Roberts*? He said, it was. Then, Sir, I have a Message to you from Mr. Gent; he desires to speak with you at the *Crown-Inn* in *Holborn*. Very well, (says *Charles Drew*) I will wait on him directly. But, Sir, says I, (with an angry Voice) I have something else to say to you, (holding up my Cane) you have been the Murderer of your own Father, and you must go directly with me before Col. *De Veil*; your Name is *Charles Drew*, and not *Roberts*.

Court. Do you know any Thing relating to Mrs. *Boyer*?

T. Drew. I do verily believe, that Mrs. *B.* did deliver out the Gun that shot Mr. *Charles John Drew*; for, I have been credibly informed, she has said, I wish somebody would shoot Mr. *Charles John Drew*. And Mr. *Allen* says, Mrs. *B.* passed for the Prisoner's Wife, and continued with him, as such, during her Stay; and that he went up into the Prisoner's Chamber one Morning, where he found her in Bed, and very much disordered at the same time, calling out, That the Gaoler was coming for her, and that she should be clapped in Irons.

Matthew Ambrose. On the 12th of January last, I drank three Pints of Beer with *Edward Humphreys*, at my own House, when he had some of Mr. *Charles Drew's* Dogs with him; and he then declared, That it was no more Sin to shoot Mr. *Charles John Drew*, than to kill a Cat. And *Humphreys* then said, That the Prisoner would settle on him (the Witness,) or any other Person that would kill

Charles Drew, for Murder. 15

kill the old Gentleman, 100*l.* a-year, for Life. The Night after the Murder, between 11 and 12 at Night, I was leaning over a Rail, near the Deceased's House; the Prisoner was coming towards the said House, and when he was got pretty near me, (I suppose not being able to distinguish who I was, in the Dark) cried out with some Emotion and Surprise, *If you are an evil Spirit, depart; and if you are a good Spirit, speak to me.*

William Ambrose. Edward Humphreys came to my House on the 9th of January last, and enquired whether *Old Drew* was at his *Upper House*? But in the Interim, Mr. Drew was going to his House, when Humphreys said, *There goes the old Rogue; young Charles will give any Person 100*l.* that will shoot him.* Upon which I replied, It was a small Matter to kill a Man for. Pishoo, said Humphreys, there is no more Sin to shoot him than a Cat or a Dog.

Daniel Whittingham. On the 26th of January last, Edward Humphreys passed by me, and I said, *Humphreys, you have got a good Great-coat on;* he answered, *That I might have as good a one too, if I would perform what was mentioned;* and, when I asked him what that was, he answered, *If I would shoot Mr. Charles John Drew, or Mr. Richardson.* And Edward Humphreys desired me to make away, or destroy, a Woman, about two years ago.

Mr. Richardson. On the 1st of February last, the Prisoner applied to me, to know how he should proceed, on the Death of his late Father? I advised him to send for the Coroner, to take an Inquisition on the Manner of his Death. The Coroner was sent for, who summoned a Jury, made Inquisition, and it was found, the Deceased was shot by some Person unknown. On the 14th of February, I was with him at hs House, doing Business.

16 Charles Drew, for Murder.

Business. Before the same was accomplished, one *Andrew Grover*, a Constable, had taken *Edward Humphreys*, and carried him before Sir *Cordel Firebrace*. The Prisoner hearing *Humphreys* was in Custody, was a good deal surprized thereat, and sent me to know on what account *Humphreys* was taken into Custody. On my Return, I informed the Prisoner, it was on Suspicion of murdering his Father, which put the Prisoner in such a Passion with the Officer for taking him, that he swore he would ruin him; and said, as the Family did not concern themselves about the Murder, what was it to him? And before I left the Prisoner, Sir *Cordel Firebrace* sent for me, by the Constable who had taken *Humphreys* into Custody. And the said Constable being sent for (by the Prisoner) into his Room, went and told him the Cause of his taking up *Humphreys*; the Prisoner, with a great deal of Heat and Passion, told the Constable he would ruin him for so doing. On my leaving the Prisoner in order to wait on Sir *Cordel*, he pressed me to use my utmost Endeavours to get *Humphreys* discharged, and for so doing he would make me a suitable Return. Whereupon I was the more pressing to have *Humphreys* prosecuted, knowing his Character, and believing him to be a Person fit for such an Enterprize. And at the same time, I earnestly desired the Prisoner to wait on Sir *Cordel Firebrace*, and appear against *Humphreys*, to clear himself of some Aspersions thrown upon him, for being accessary with *Humphreys*. But, instead of appearing, he was the more sollicitous of getting him discharged. Whilst *Humphreys* was examining, the Prisoner was very uneasy, desired me to get his Discharge, and declared he would not be at one Penny Expence in the Prosecution. I told the Prisoner, that if he did not appear against *Humphreys*, and prosecute him, he would slur his own Charac-

Character and Reputation. To which the Prisoner answered, What would you have me to do? As the Fact is done, the best must be made of a bad Market. Upon which I asked him, why he was so uneasy about *Humphreys*? And told him what his Friends said, about having employed *Humphreys*, and that he ought to appear strenuously in his Prosecution, and not endeavour to stifle it; for if he did, all the world must be convinced, that he did actually set *Humphreys* at work. To which he answered, that he did it not; but still insisted on my not appearing against *Humphreys*, as a Prosecutor, or otherwise, and he would give me any Satisfaction whatsoever. But upon this I wholly declined being concerned for Mr. *Drew* in all his Affairs, because, by all Circumstances, he was privy to the Murder of his said Father.

James Gent, junior. The Prisoner thought proper to leave the Country, and having made his Will, and two Letters of Attorney, and a Draught for conveying away his Estate, changed his Cloaths, and came up to London, were he went by the Name of *Thomas Roberts*.

Walter Wilby. On Saturday the 16th of February last, the Prisoner called me out of his Kitchen, at his House in *Melford-Street*, into the Garden, and gave me five Guineas, and ordered me to give them to *Humphreys*; for, says he, I believe *Humphreys* is not guilty, and I am determined he shall not want for Money, while he is in Gaol; and I gave the five Guineas, or near the Sum, to *Humphreys's* Wife, and told her who they came from.

Sarah Wright. On Thursday, the 31st of January last, the Prisoner came Home between 8 and 9 o'Clock in the Evening; upon which Mrs. *Bridget Drew* ordered me to take the Key of his Chamber, and make his Bed; upon which he said, I should not have the Key, for that he was going out,

18 Charles Drew, for Murder.

out, and should not be at Home that Night. Up-
on which Mrs. Ursula Drew replied, *Charles*, don't
play any more of these Tricks, for I won't tell
any more Lies for you ; your Father rapped at your
Door this Morning, and I told him you was a-
bed and asleep. Between 10 and 11 o'Clock the
same Evening, *John Pyke* of *Lynton* came into the
Kitchen, and asked for young Mr. *Charles Drew*,
upon which I went into the Parlour and told him,
and *Pyke* went immediately into the Yard, where
he staid, (as I was informed by the Man-servant)
till Mr. *Charles Drew* came out, and then they
went away together. And within seven Days be-
fore Mr. *Charles John Drew* (my late Master) was
killed, Mr. *Charles Drew* had *Humphreys*, *Wilby*,
and *Clark*, to drink a Bowl of Punch with him ;
after that they had been shooting some Larks, they
shot for a Bottle of Rum, as I heard the Prisoner
say, so I think it could not be on the *Sunday*. The
Prisoner had one Set of Company more with him,
before his Father Mr. *Charles John Drew* was shot ;
but *Humphreys* was not one of them. Though I
often heard *Humphreys* say, in the Kitchen, it was
a Pity that Man, meaning Mr. *Charles John Drew*,
was not shot.

Thomas Partridge. About One of the Clock in
the Morning, Mr. *Charles John Drew* was found
murdered ; I saw the Prisoner come out of the
Passage leading from the Dwelling-house of *Ed-
ward Humphreys*, with a Horse in his Hand ; and
as soon as the Prisoner was through the Passage or
Entry, he mounted his Horse, and rode down the
Street towards *Sudbury*.

Jonathan Keate. The Prisoner, while he was
in Custody in *Newgate*, treated with me in Order
to his making his Escape to *France*. To induce
me to consent thereto he gave me a Note, pro-
mising me the Enjoyment of half his Fortune, and
another

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another to oblige himself to stand to the same Agreement, though he should receive his Majesty's Leave to return to *England*. The Prisoner, for my further Security, gave me a Bond, whereby he obliged himself, his Heirs, &c. under the Penalty of 2000*l.* to pay to me 1000*l.* for my good Services.

[Here the Notes were produced and read.]

16th March, 1740.

‘ I do hereby promise, consent, and agree, that if *Jonathan Keate*, Turkee, (Turnkey) of Newgate, London, will go with me into *France*, as a Companion, and for other Services done me, and is to do me, I will allow him yearly half my Fortune, during the Term of my natural Life. Witness my Hand the Day and Year above-said.

‘ Charles Drew.’

‘ And farther, I do hereby promise the said *Jonathan Keate*, that if I do return into *England* again by his Majesty's Indemnity, or otherwise whatsoever, to allow him the same Part of my Fortune, as aforesaid, if the said *Jonathan Keate* is alive. Witness the Day and Year above-said.

‘ Charles Drew.’

Prif. My Lord, I desire the Witness may be asked, whether he and others did not use me ill, and that I made those promises, and gave him a Bond, in order to get me out of that dismal Prison, that I might go down to *Melford*?

Keate. My Lord, the Prisoner was not used ill in *Newgate*; and as for the Notes, they speak for themselves.

Mr. Akerman. My Lord, I being acquainted with the Prisoner's Proposal of going to *France*, I, just before the Project was to have been put in Execu-

20 Charles Drew, for Murder.

Execution, removed the Prisoner into the old Condemned Hole, and appointed a constant Watch to be set over him Day and Night.

Prif. Did I ever say any Thing to you about going to *France*?

Akerman. No.

Andrew Grover, Constable. My Lord, this is the Gun, which *Humphreys* had upon him when I took him, and likewise the Cloaths the Deceased had on when he was murdered.

James Drew. My Lord, these are the Cloaths of the Deceased.

Andrew Grover. I took *Humphreys* in the Fields with the Gun upon him; and after I had secured him, I went and searched his House, and found his Children playing with Bullets instead of Marbles; and upon farther Search I found a Bag of Bullets mixed with Poison.

R. F. My Lord, all I know in relation to the Prisoner is, that he wrote to me, and desired me to forward a Letter to his Sister, inclosed in one of mine.

To Miss Bridget Drew, at her House in Long-Melford, near Sudbury.

‘ Pray, my dear, get your Sister *Cawston*, and
‘ you both, to speak to Mr. *Richardson* to stand
‘ my Friend, and to speak to Sir *Cordel* in my Be-
‘ half.

‘ *C. Drew.*’

To Miss Bridget Drew.

‘ Madam,

‘ Enclosed you receive a Letter from your Bro-
‘ ther, and at his Request I am farther to desire
‘ you to go immediately on the Receipt of this, to
‘ Mr. *P. of Clare*, and get a proper Conveyance
‘ made to you of his real Estate; which, I sup-
‘ pose,

pose, must be made by Lease and Release; however, he knows best; besides which, he desires you that you would get a Deed of Gift of all his personal Estate, both of which he desires may be sent by one of the Mr. Barker's, ready for him to sign. I most sincerely wish, that any Thing in my Power could be serviceable to my Friend; but this is all I am at present to be entrusted with. I am, Madam,

‘ Your very humble Servant,
‘ R. F.’

Colchester,
March 22, 1739.

The Prisoner, in his Defence, called Mr. Smith, who said, I cannot say much in the Prisoner's Behalf; I wish I could.

Richardson. I have often heard Humphreys declare, That it was no more Sin to shoot old *Drew*, than it was to kill a Cat or a Rat.

Juryman. Did you hear Humphreys say, since the Murder was committed, that he did shoot old Mr. *Drew*?

Richardson. No, never; but those Reports, of what he had said before, occasioned him to be taken into Custody, and to be committed to Goal.

John Hart. I believe Humphreys shot Mr. *Drew*, and most People thought the Prisoner had some Hand in it.

John Pyke. I believe Humphreys was the Man that shot old *Drew*.

Ann Chinnery. The Prisoner came to Mrs. B's at *Lyston-Hall*, on the Night the Fact was committed, and immediately upon his coming in, he pulled out his Watch and said, 'Tis now a Quarter past Eleven by my Watch.

Court. Was there any Clock in the House?

Chinnery. Yes, there was.

Court.

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Court. And the Prisoner said those *very Words* when he came in?

Chinnery. Yes, those were the *very Words*. The Prisoner lay there that Night, and staid till 7 o'Clock the next Morning.

E. Ellet. My Lord, it was about One o'Clock in the Morning, that I heard the Noise at the Deceased's Door, and the Groaning, as it were, of somebody dying.

Juryman. What did you think the Noise you then heard was?

Ellet. The letting off a Gun, and soon after I heard the Clock strike One.

Court. Was you up at that Time?

Ellet. Yes, my Lord, I was just going to Bed.

Court. You said before, you was so affrighted that you durst not venture out to see what was the Matter; why did not you desire your Husband to go?

Ellet. My Lord, he was a-bed and asleep.

The Council for the Prosecution then called *Mary Wellam*, who deposed, that *Ann Chinnery* told her, that *Charles Drew* did not lie at *Lyfton-Hall* the Night his Father was shot.

Daniel Ford. I heard *Ann Chinnery* say, that the Prisoner did not lie at *Lyfton-Hall* that Night his Father was shot.

Court. Prisoner, now is the Time for you to make your Defence.

Prisoner. My Lord, the Night the Murder was committed, I was coming towards my Father's House, when *Edward Humphreys* came up to me, with a Gun in his Hand, and proposed to me, that if I would give him 1000*l.* he would shoot my Father. No, said I to him, I will not. Then, said he to me, I will do it myself for Diversion, for I think it is no more a Sin to shoot o'd Mr. *Drew*, than to shoot a Dog or a Cat. I endeavoured to dissuade him

him from it, and he seemed so to be, and went as it were, away. Then I went to my Father's Door, and knocked at it, in order to go to Bed, for I wanted to be out of *Humphreys's Way*, lest he should shoot me; and as I stood with my Face to the Door, my Father came down and opened it, and then *Humphreys* came up suddenly behind me, and shot my Father, let the Gun fall, and immediately ran away. I pursued him, and soon overtook him, but he being on Horseback, he said, he would not stay to parley with me, and rode directly for *London*. My Father being dead, I went up to *London* to prove his Will; and not knowing how to find out the Villain, I applied to the Secretary of State, and this Advertisement I have now in my Hand, was published in the *London Gazette*.

Whitehall, Feb. 12.

' WHEREAS Charles John Drew, late of Melford, in the County of Suffolk, Attorney at Law, was on Thursday the 23d of January last, between the Hours of Twelve and One in the Night, barbarously and cruelly murdered and robbed, in his House, by Persons unknown, being shot in the Body with divers Slugs, which have been since taken out of the Deceased: His Majesty, for the better discovering, and bringing to Justice the Persons concerned therein, is pleased to promise his most gracious Pardon to any one of them who shall discover his Accomplice or Accomplices, except the Person who actually committed the said Murder, so as he or they may be apprehended and convicted thereof.

' HARRINGTON.'

' And as a farther Encouragement of such Offender or Offenders, John Gent, Junior, of Sudbury, in the County of Suffolk, by the Order and
' Direc-

24 Charles Drew, for Murder.

• Direction of Mr. *Charles Drew* of *Melford* aforesaid, does hereby promise a Reward of One hundred Pounds, to be paid on the Conviction of any, or either of the Persons concerned in the said Murder, except the Person who actually committed the same.

• *John Gent, junior.*

My Lord, *Humphreys* was then obliged to leave *London*, and thought to secrete himself in the Country, and therefore he went thither; and here, my Lord, he was taken with the very same Gun upon him, he did the Fact with, and was committed to Gaol. My Lord, I am innocent of the Fact, and what I have related is the real Truth.

The Jury, having duly considered the Evidence, brought in the Prisoner guilty. *Death.*

Mr. *Charles Drew*, notwithstanding his irregular Courses, had contracted several Acquaintances, who frequently visited him, after his Conviction, but were not admitted to speak to him before. He requested that he might have a Clergyman to visit him; and accordingly, the Reverend Mr. *Smith*, and another, went very often to see him; he seemed at first not to have any Sense of the heinous Sin he had committed, and would fain have extenuated it, by laying it to his Father's ill Usage. He said, that it was true, he had often wished his Father dead, and his Reason for so doing was, because old Mr. *Drew* kept him so without Money, that he could not appear in the Manner he desired, and so became the Jeſt of every Company he went into; that he had some Time ago desired his Father to make over an Estate to him, which he constantly refused, and that first put him in mind of this horrid Project; at other Times he alledged, that his Father's ill Usage not only affected him, but reached his Mother and Sisters; and he was informed

formed, some Time ago, that his Father had formed a Design of removing his Mother from the House she lived in, and sending her to another Part of the Country, which, he said, would be present Death to her, and that then the old Gentleman would certainly marry again, and perhaps a young Brood of Children might come, from whence he (the Prisoner) could expect nothing but to be disinherited : He owned, that this and some other Things, joined with the Persuasion of his lewd Company, made him desperate ; but yet he could not reconcile himself to shoot his Father with his own Hands ; he confessed, that he tampered with several Persons, and offered them Money to kill the old Gentleman, and in particular, the Evidence *Humphreys*, but persisted that he was not the Person who actually fired the Gun, but that *Humphreys* was the Man. The Interview between him and his Sisters was truly affecting, and rather to be imagined than described. His Sisters were cautious of upbraiding him with what he had done, and endeavoured to give him all the Comfort they could : He was very uneasy on account of his Family, especially when he heard the Sheriff had seized his Estate ; he mentioned that Circumstance with the utmost Concern.

At the Place of Execution, he delivered to the Sheriff the following Copy of his dying Speech or Confession, desiring it might be made publick.

‘ Good People,

‘ I am brought here justly to suffer Death for the Murder of my own Father. I confess that I shot him with my own Hands ; and though I cannot offer any Thing to extenuate my Crime, yet I will relate what led me to do the horrid Act, that so you may endeavour to avoid those wicked Counsels and Vices, which led me to the

Commission thereof, and has brought me to this untimely and ignominious End. When I was about eighteen Years of Age, I fell into the Company of Poachers, in which rambling Life I took great Delight, and all the good Advice of my Parents and Sisters could not restrain me from it. This led me into the Society of certain Smugglers, and both these led me into the Acquaintance and Conversation of Women of the most abandoned Reputations, who early instilled into my Mind strange and wicked Notions of Things. Thus initiated into the broad Paths of Vice, I did not want for evil Counsellors, who continually whispered Tales and Stories in my Ears, defamatory of my Father. They imposed upon my Credulity, and made me believe that my Father thought me a Bastard; that that was the Reason my Father and Mother lived a Quarter of a Mile asunder, and that he did not love me upon that Account. As I was not then able to distinguish my real Interest in that Affair, I thought those who soothed my vicious Inclinations were my Friends, and my Father, who was for restraining me from running headlong to Lasciviousness, was my inveterate Enemy. As I was his only Son, and Heir to all his Estate and Riches, which, I was told, was worth sixty thousand Pounds; my wicked Companions insinuated, that I ought to have some Part of it before he died; which indeed I then thought reasonable. These people observing that I minded what they said, went a Step further; and then it was whispered to me, that my Father designed, in the Spring, to send my Mother away farther into the Country, that so he might have an Opportunity of marrying again, and that I was, by that Means, to be cashiered of my Estate. And so blind was I, at that Time, that I could not see through the

the Improbability of my Father's so doing. My Acquaintances having conducted me thus far in my Enmity to my deceased Father, continually spoke slightly of him in my Company, blaming him for not letting me have Money enough for my Expences, and often wished he was dead; and that if he did not die he would ruin his Family. These Things, joined with wicked Inclinations of my own, and the incessant Pressures of those Women for Money I kept Company with, first led me to contrive my Father's Death. I tampered with several Persons about it, till, at Length, I found *Edward Humphreys* the most proper Person for an Employment of this Sort, because he was a Smuggler, and had been convicted of Felony at *Chelmsford Assizes*. I knew he was a bold daring Fellow, and, therefore, I agreed with him, that if he would kill my Father *Charles John Drew*, I would settle on him One Hundred a-Year, during his Life. He accepted the Proposal, and we fixed the Day and Manner of it; which was, that he should go to the Door, that Evening, about 11 o'Clock, knock at it, and when my Father opened it, he (*Humphreys*) should shoot him dead. Accordingly, I went to Mrs. *Boyer*, who furnished me with a Gun, Powder, and Slugs, and we met at 11 o'Clock, near my Father's House. When *Humphreys* was to go and shoot my Father, he said to me, Let's have a Dram first. We then put the Gun into the Little-House, and went down to the Lower House, and there drank a Dram, and then returned to the Little-House; *Humphreys* took the Gun, and carried it towards the Upper House, when I told him, it was ready loaded with Slugs in it, and primed, and that I warranted it would do the Business. When we came near to the Deceased's House, his Heart

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fail'd him, and he said, he could not do it, Mr.
Charles John Drew had never done him any
Harm. I then, in a Bravado, took the Gun out
of his Hands, went up to my Father's Door,
knocked at it; my Father came, and opened the
Door, and I shot him dead. And now, good
People, and you young Men, learn from hence,
to avoid evil Communication, which corrupts
good Manners; for thus saith he who erreth not,
A Whore is a deep Ditch, the abhorred of the Lord
shall fall therein. Be wise, and listen to the
Counsel and Instruction of your Parents, and look
upon them who speak evilly of them, as your
Enemies, and shun their Company and Acquain-
tance. I justly die for my Crime: The Lord
have Mercy upon my Soul. O, good People,
pray for me?

To my loving Sisters, from my Place of Confinement in Bury Gaol.

Dear Sisters,

I am now under Sentence of Death, for the
Murder of your and my Father, which makes
me recollect and wish I had taken those whole-
some Advices you so often gave me; that I had
refrained myself from evil Company, for it is
that, as you often told me, has brought me to this
ignoble End. But though my Case is thus de-
plorable, and as to this Life desperate, yet it gives
me Satisfaction, in these my last Hours, that
his Majesty has been graciously pleased to remit
my Estate, forfeited to the Crown, to your Use.
My dear Sisters, pray for me; pray for the Sal-
vation of my Soul; recommend me to the Grace
and Favour of God. I am

Your loving Brother,

Charles Drew.

April 8, 1740.

Letters

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Letters between Mr. Drew and Mrs. Boyer.

To Mrs. Elizabeth Boyer.

‘ Madam,

‘ I beg you will come to *London* immediately on
the Receipt of this; I have no Happiness but in
your Company; and I shall long till I see you.
‘ I am like one in a strange Country, not knowing
who to converse with, where to go, or what to
do. I am at the *King's Arms* Tavern in *Fleet-*
Street, near *Temple-Bar*. Enquire for me by the
Name of *Thomas Roberts*.

‘ Your humble Servant, to command,

‘ *Thomas Roberts.*

Feb. 18, 1739-40.

To Mr. Thomas Roberts.

‘ Dear *Charles*,

‘ I will come to *London* by the Return of the
Coach: I am lonesome without you. Pray keep
yourself secret, for the Country is alarmed very
much about that Affair. Yours, &c.

‘ *Elizabeth Boyer.*

To Mrs. Elizabeth Boyer.

‘ Madam,

‘ I die in Charity with all the World; I for-
give my Enemies from the Bottom of my Heart;
and may those who have given me evil Counsel,
whereby I have brought upon myself this public
Shame, live to repent. I don't reflect on them,
but on myself, who might easily have seen where-
to such evil Counsels tended. But I forgive—

‘ *C. Drew.*

April 8, 1740.

30 Charles Drew, for Murder.

His Behaviour at the Place of Execution.

On Wednesday the 9th of April, pursuant to his Sentence, he was taken from Bury Gaol to the Place of Execution; such a Crowd of Spectators were assembled on the Occasion, as had not been seen in that Country since the Execution of Coke and Woodburn. He passed through them with Signs of the greatest Horror, as being ashamed, after such an Action, to see so many who had been his Neighbours and particular Acquaintances. When he came to the Tree, he expressed the utmost Reluctance at parting with Life, driving off the fatal Minute, desiring the Officers and Executioner to defer it as long as possible. He joined in Prayers, &c. and begged of the Minister who attended him, to continue his Intercession for him as long as he could, for that his Hopes of Salvation were very precarious; and being asked, if he would say nothing to the Populace, he replied, No; but he gave the High Sheriff a Paper, which, he said, contained his Confession, and desired it might be published. Then he was turned off.

The Lives, Trial, and Execution of Mrs. Elizabeth Branch, and Mary her Daughter, for the Murder of Jane Buttersworth, 1740.

MRS. Elizabeth Branch was the youngest Daughter of a Gentleman of a small Fortune, at Philips-Norton, in the County of Somerset. She was born in the Year 1685; and, to the Surprise of every Body who were at her Mother's Labour, had a Tooth in her Head at the Time of her Birth; which, according to some learned Authors, is a certain Sign of a fierce and cruel Disposition. This was soon verified, even in her Infancy;

fancy ; then, indeed, she only diverted herself by catching Flies, pulling off their Wings, pricking out their Eyes, &c. and in tormenting Cats and Dogs, till she had killed them. As she grew up, her savage Temper became more visible, which she shewed in continually contriving some Mischief to her Playfellows ; and was never so delighted as when she could practise some unlucky Tricks, to plague her Father's Servants.

Being arrived at Woman's Estate, and her Ferocity increasing as she advanced in Years, her Parents and Friends told her, that such a Temper would never recommend her to a Husband. This Consideration, indeed, made some Impression upon her, and she resolved to suppress her natural Inclination to Cruelty, at least till she should be Mistress of a Family, when she could give a full Scope to this predominant Passion.

It was at this Juncture, that Mr. *Branch*, a Farmer at *Hemmington*, became her Admirer, and in a short Time married her. A Month had scarce passed, before she gave very signal Tokens of her natural Ferocity ; for, on the most trivial Occasions, she would beat her Servants, keep them whole days without Victuals, in order to punish them ; and, at other Times, turned them out of Doors late in a cold Winter's Night, without paying them their Wages. In this Manner she used her Servants ; and the Reason why her Barbarities to them did not expose her to public Justice, was, that Mr. *Branch*, who was a good-natured Man, used to pay the Servants so discharged unknown to her, and make them some Amends for the Injuries his Wife had done them.

At Length, Mr. *Branch* died, leaving his Wife and Daughter in Possession of an Estate of about 300*l.* a-Year. He was no sooner in his Grave, but all Mrs. *Branch*'s Servants left her, and she was

32 Elizabeth Branch and her Daughter,

obliged to take up with Strangers, Strollers in the Country, or any poor Person's Child she could light of; for she had rendered herself so infamous, by her tyrannical Usage of her Servants, that none of any Reputation would live with her.

Not content with being cruel herself, she trained her Daughter up in the same Disposition; so that, in Time, it was as customary with her, as with her Mother, to fling Plates, Knives, Forks, &c. at the Servants Heads on the most trifling Occasions. One Instance of which, among many others, was their barbarous Usage of *Henry Butler*, a Lad, who, it seems, while waiting at Table, accidentally let fall a Plate; upon which Mrs. Branch and her Daughter threw Knives and Plates at him, and then violently fell upon him, and beat him unmercifully; insomuch that the Boy, in his Fright, besouled himself; which his Mistresses perceiving, they unbuttoned his Breeches, and taking his Excrements into their Hands, crammed it into his Mouth, and forced him to eat it; which made him so sick, that he thought he should have died.

This brings us naturally to speak of the Murder of *Jane Butterworth*, a poor Parish Girl, who was their Servant. For this they were tried at the Assizes held at *Taunton*, March 31, 1740.

The chief Evidence on which they were convicted, was *Ann Simers* their Dairy-Maid, who deposed, That on the 4th of November, her Mistress *Elizabeth Branch*, sent *Jane Butterworth* to a neighbouring Farm to get some Barm or Yeast, and staying somewhat longer than she need to have done, on her Return, her old Mistress asked what made her stay so long; and the Deceased forging a Lie to excuse herself, her young Mistress struck her violently about the Head with her Fist, and pinched her Ears. Then both the Prisoners, in a great Rage, laid hold of the Deceased, and threw her

her on the Ground ; and being down, her young Mistress kneeled on her Neck, and the old Mistress turned up the Deceased's Coats, and whipped her with Twigs till the Blood ran ; while her young Mistress, taking off one of the Deceased's Shoes, beat her about the Breech and Hips with it, still keeping her with her Knee on the Ground. The Deceased begged for Mercy, and by struggling got away, and ran into the Parlour ; they followed her with Broomsticks, and beat her so about the Head and Shoulders, driving her from Place to Place, till the Deceased was quite mazed and not able to stand, but fell down ; when her young Mistress threw a Pail of Water upon her to cool her, as she said, and then fetched the Salt-Box, and rubbed the Deceased's Breech with Salt, which was bloody with whipping ; upon which she (this Witness) went out to milk her Cows.—On her Return, (which was in about half an Hour) she saw both her Mistresses sitting by the Fire, and the Deceased lying on the Floor, dead ; and observed that the bloody Cap, which the Deceased had on before she went to milking, was changed, and a clean one put on, and that the Blood had run through that likewise. Upon which she said, she believed the Girl was dead ; whereupon her old Mistress called her *Welch Bitch*. The Deceased was then put to Bed, and this Witness ordered to lie with her ; which she was forced to do, for Fear of being ill used herself ; and the next Day would not suffer her to go abroad till the Girl was buried, which was done in the Night. This caused a general muttering among the Neighbours ; upon which the Body was taken up, and examined by Mr. Salmon a Surgeon.

Mr. Salmon deposed, That on examining the Body of the Deceased, he found her Skull was fractured in two Places, with other Bruises in the

34 *Elizabeth Branch and her Daughter,*

Head, and a dangerous Wound in the Regions of the Loins ; he observed also, that the Flesh was beat off from one Hand ; and that her Arms, Thighs, and Legs, were greatly bruised ; and that scarce any Part of her Body, except her Breast and Belly, was free ; and in general, the Deceased seemed to have been so barbarously used, as was enough to have killed the stoutest Man. And it was his Opinion, that those Wounds were the Occasion of her Death.

The Prisoners, in their Defence, said, It was a malicious Prosecution ; that the Girl was subject to Fits, and in one of those Fits fell down and bruised herself, and died of the Wounds she then gave herself. But bringing no Witnesses to prove their Assertion, the Jury brought them in guilty, and they received Sentence of Death accordingly.

While under Sentence, they entertained great Hopes of a Pardon. They applied to the Judge, who, considering that Mrs. *Branch* might have some temporal Affairs to settle, ordered the Execution to be on the 3d of *May*, which was five Weeks after their Trial. Mrs. *Branch* seemed little concerned under her Misfortunes, but her Daughter grieved very much, and desired every Body to sue for Mercy for her.

The Evening before they died, they had a Sermon preached to them ; which made such an Impression upon the Mother, that she now began to think seriously of her latter End ; and both she and her Daughter confessed their Sins, and received the Sacrament.

The People, in general, were so vehemently set against them, that when they were brought to their Trial, the whole Country rose ; so that, after Sentence was passed, the Sheriff's Officers were obliged to convey them back to *Ivelchester*, under a strong Guard, in the Dead of the Night.

for Fear lest the People should seize the Prisoners, and tear them to Pieces. The same Day, the Sheriffs seized their Estate forfeited, for the Use of the Crown.

On Saturday the 3d of May, between Three and Four o'Clock in the Morning, Mrs. Branch and her Daughter, attended by the Gaoler, and about half a Dozen Persons, walked from Ivelchester to the Place of Execution; but when they came there, the Gallows was cut down; whereupon a Carpenter was immediately sent for, who erected another, and they were both executed before Six o'Clock, to the great Disappointment of several Thousands of People, who came far and near, on Purpose to see a public Example made of two Wretches that so much deserved it.

Before Mrs. Branch was turned off, she addressed the People in the following Terms:

‘ Good People,

‘ You who are Masters and Mistresses of Families, to you I speak in a more especial Manner.
‘ Let me advise you to take care, that you never harbour cruel, base, and mean Thoughts of your Servants, as that they are your Slaves and Drudges, and that any Sort of Usage, be it ever so bad, is good enough for them. These, and such like, were the Thoughts that led me to use my Servants as Slaves, Vagabonds, and Thieves; it was these that made me spurn at, and despise them, and led me on from one Degree of Cruelty to another. Keep your Passions in due Bounds; let them not get the Mastery over you, lest they bring you to this ignoble End. I am justly punished for all my Severities; and, 'tis true, I did strike my Maid, but not with a Design to deprive her of her Life; and so far, I think my Sentence now about to be executed

36 Harry Smythee, for Murder.

‘ upon me, is unjust; but the Lord forgive my Prosecutors, and all those who have maliciously and falsely sworn against me. Another Caution I would give you Parents, is, that you take care to suppress in your Children, the first Appearances of Cruelty and Barbary. Nothing grieves me so much, under this dreadful Shock, as that I have, by my Example, and by my Command, made my own Daughter guilty with me, of the same Follies, Cruelties, and Barbarities; and thereby have involved her in the same Punishment and Ruin with myself. I declare, I had no Design of killing the Deceased, as the Lord is my Judge, and before whom I must shortly appear. I beg of you to pray for me unto God, that my Sins may be forgiven me, and that I may be received to Mercy.’

The Daughter then added: ‘ Good People, pity my unhappy Case, who young, was trained up in the Paths of Cruelty and Barbary; and take warning by my unhappy End, to avoid the like Crimes. You see I am here cut off in the prime of Life, in the midst of my Days. Good People, pray for me.’

They were then both turned off; and, in all Probability, the Populace would have tore them in Pieces, had they not been executed so early in the Morning.

*The Life, History, and Trial of Harry
Smythee, Esq;*

WITHIN four Miles of Limington in *Hampshire*, dwelt *Ralph Mew*, a poor Country Farmer, whose Wife dying seven Years ago, left him an only Daughter about twelve Years of Age. But

But though he was inconsolable for the Loss of his Wife, yet he was very anxious for the Welfare of his Daughter; and nothing in his Power was spared for her Improvement, to qualify her for Service, or to make a Man in a middling Station a good Wife; nor was he less careful of impressing her Mind with religious and moral Principles. Thus happy in a Daughter, the old Man, by Degrees, forgot the Loss of his notable Wife; for as the Girl grew in Years, she increased in Duty and Affection to her Father, and omitted nothing to make his Tranquillity and Happiness as complete as their Circumstances admitted.

In this agreeable Manner did *Jane* (for that was her Name) and her Father live together, till she arrived at her 18th Year, when, by reason of her handsome Personage, agreeable Temper, and courteous Behaviour, she became the Delight of all who knew her; insomuch that her Father began to entertain Thoughts of marrying her to some agreeable Youth among the neighbouring Farmers, suitable to her own Station, intending to spare her some Part of his own Substance, which, by a long Course of Industry, and the good Management of his notable Dame, he had acquired, in order to give the young Folks a good Outlet in the World, and at his Death to leave them the rest. But his kind Intentions were all frustrated by the gay, the affable Mr. *Smythee*, a Person of a comely Air, facetious in Conversation, accompanied with a Vivacity and Sprightliness that rendered him agreeable to the Fair Sex. Being come from *London*, to reside in those western Parts of *England*, where, not finding that Company and Conversation which was most agreeable to him, his Education having been chiefly among Merchants and Mariners, he fell into the rural Sports of hunting, fishing, and shooting; the latter being his favourite Amusement, this Diversion.

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Diversion, in Time, became so delightful to him, that one Day he was so eager after his Game, that he lost himself in the Woods; and being unacquainted with the Avenues, he wandered for a long Time, till with Vexation and Fatigue he was almost spent, and sat down to rest himself; and looking round, he observed an Opening in the Wood, and hastening to it, he perceived a Sort of a blind Path, which he resolved to pursue, till he met with some Person to direct him in his Way home, or till he came to some Habitation where he might refresh himself. At last, he espied a little Cottage, about a Quarter of a Mile off, and an elderly Man trudging towards it. This was *Ralph Mew*, to whom our young Gentleman addressed himself for Relief in this Distress.

The old Man, looking earnestly at him, enquired from whence he came, where he was going, and what was his Business? He courteously answered, that his Name was *Smythee*; that he had been out ever since Break of Day a shooting, and in Pursuit of his Game, had lost himself in yonder Wood, and that, for Want of Nourishment, he was ready to faint, and would be obliged to him, if he would accommodate him with some Refreshment, for which he would make him any reasonable Satisfaction. The old Man having heard so many terrible Stories, told him by the Farmers at the Markets he used to frequent, of the Arts and Stratagems practised by Men of villainous Designs, to impose on the Humanity and Good-Nature of well-meaning Country-people, was suspicious he might be one of the same Clan, and plainly told him, he could not oblige him; but that there was a Farm-House about two Miles off, that lay upon the Road where he might have every Thing he wanted; but at the same Time told him, that about two Months past, a Couple of Fellows from *London* lodged at

that House, and had run in Debt there, and afterwards went off by Stealth, without paying for their Lodging and Diet, and not without committing two or three Robberies. From this Sort of Discourse he imagined the old Farmer supposed he was some such Runnagate, and that if he could not convince him to the contrary, he was like to go farther a field for the Refreshment he wanted : Whereupon he put his Hand in his Pocket, and pulled out a Gold Watch, a Purse of Gold, and shewed a Diamond Ring on his Finger ; and then mentioned several Gentlemen, that lived about ten Miles off, whom the old Man either knew, or had heard of ; upon which his Suspicions vanished, and he very frankly invited him to his little Cottage, where he would meet with a hearty Welcome, and a cheerful Countenance. As soon as he entered the Cottage, or rather small Farm-House, which was exceeding neat, old *Mew* dispatched his Daughter to the Henroost, to get some Eggs, whilst he took down the Flitch of Bacon, cut some Rashers, and tapped a Kegg of Ale. When the Eggs and Bacon were fried, pretty *Jane* set the Dish before the Stranger, and Hunger having whetted his Appetite, he fed on it with a peculiar Gust.

When he had refreshed himself, and recovered from his Fatigue, he began to relate to them in what Manner he had been bewildered, and how joyful he was when he saw their little Dwelling ; and after expressing his grateful Acknowledgments for their kind Hospitality, he diverted them with some Account of his Travels, and Voyages to America. To all which *Jane* listened so attentively, that her Eyes were scarce off from Mr. *Smythee*, which gave him an Opportunity of surveying the Features of her Face. And indeed she was very beautiful ; and, as he gathered from her Eyes, that he was not indifferent to her, he resolved to pursue,

40 Harry Smythee, for Murder.

sue, at all Hazards, the Dictates of his Inclination, and make a complete Conquest, even at the Expence of that Honour and Gratitude that he should have regarded for such Civility and Hospitality.

Possessed with this Resolution, he took his leave, returning the old Man Thanks for his extraordinary Civilities, and offered to pay for his Entertainment ; assuring him, he wanted nothing but an Opportunity to reward his Humanity, with the most convincing Proofs of Gratitude. Old *Mew* told him he was welcome to what he had, and should pay nothing ; that he looked upon it as a Blessing, that he had it in his Power to relieve so worthy a Gentleman, and generously refused to take any thing ; adding, that whenever he passed that Way, he might make his Habitation his own ; upon which he took his Leave, with Directions for his nearest Way Home.

Whilst he was upon the Road, his whole Thoughts were employed in contemplating on *Jane's* Perfections, and in comparing her mean Dress, her artless Innocence, her blooming Charms, and sprightly Carriage, with the dazzling and haughty Behaviour of her Sex in *London*, he could not help admiring the Beauty of Nature, and despising the Vanity of Art.

Full of these Reflections he came to his own House, where he found the whole Family in Confusion, imagining that some unhappy Accident had befallen him in the Woods, as he had been absent two Nights, and nobody could tell what was become of him ; and were now overjoyed to find him in Safety..

Being now pretty late, and he weary, he took himself to rest. Early the next Morning he got up, mounted his Horse, with an Intent to visit his Salt Works ; and as he was riding along, he happened to cast his Eye on the Wood, where,

the

Harry Smythee, for Murder. 41

the other Day, he had so insensibly lost himself. This brought fresh to his Memory the Charms of the fair *Jane*; he was impatient to see her, and all on fire to enjoy her; and being no longer able to resist the Fury of his Passion, he made directly to old *Mew's House*; where, on his Arrival, he saluted the good old Man, told him he could not be easy in his Mind till he had waited on him, and made him such Returns as were due to his Merit and Goodness, in receiving a Stranger in such Distress. After the old Peasant had told him he had done nothing more than what any body might expect in the like Circumstances, *Smythee* made him Present of a Tortoise-shell Tobacco-Box, rimmed with Silver, with which the old Man was much delighted, and being obliged to go into the Field, to look after his rural Affairs, he ordered his daughter to make the Gentleman welcome, and left them together.

No sooner was the Father gone, than young Harry addressed his Charmer; and first of all presents her with some curious Trinkets, which, he told her, he brought from *London*, when he was st there, and then declared his Passion in the melting Transports of warm Imagination; he sighed, and whispered all the tender Things which lovers could express; and told her, it was the anger of Providence that pointed out to him the best Object of the whole Creation; and it was the same Power that now favoured their mutual enjoyment of the Sweet's of Love; then clasping her in his eager Arms, he endeavoured to stifle her resentment with fond Endearments and kind Embraces, but to no Purpose; for breaking from him, her Rage inspired her with the following Reproofes: ' Is it thus, Sir, you endeavour to make Returns for my Father's Civilities, and my own Courtesy? And can you, at the same time,

42 Harry Smythee, for Murder.

time, be so profane as to make use of the Name of Providence, to favour your wicked Enterprise, and not tremble lest Vengeance should overtake you? Do you think that Poverty, Innocence, and Virtue are incompatible? Be now convinced of your Mistake. Here, take back your Toys: It is not such Gewgaws shall tempt me to part with that inestimable Jewel, which once gone, can never be recovered; and thereupon flung him back his Presents, and endeavoured to get away.

Stung to the Quick with the Justice of these Reproofs, he stood, as it were thunder-struck; and perceiving that neither Prayers nor Entreaties, neither the Force of Eloquence, nor even Gold itself had Power to corrupt or overcome Jane's Chastity and being resolved to stick at nothing to accomplish his base Desires, he had Recourse to Oaths, and the most perfidious Dissimulation; he assured her that what he had done, was only to try her Virtue and Constancy; and if he was before charmed with the Beauties of her Person, he was now ravished with those of her Mind; he called Heaven to witness, that he had no Design upon her Innocence; but that, notwithstanding any Difference in their Circumstances, he was determined to make her his Wife. Upon these Proposals Jane began to be more calm, and told him, that she would never consent to marry, and leave her Father without his Approbation, which the other undertook to obtain; and when the old Man came home the Visitor took an Opportunity to acquaint him of his honourable Intention, and begged his Permission to wait on his Daughter on that Footing to which the Father consented, after he had made some Objections of the Difference of their Families and Fortune. On these Pretences he had full Acces, and frequently brought Tea, and other Necessaries

Niceties, to entertain her with, which he did sometimes in her own Apartment; when, watching an Opportunity when the Father was abroad, and not a Soul in the House but themselves, as they were toying together, he accidentally tumbled her on the Bed, and having her at this Disadvantage, told her they were Man and Wife before God, and it only wanted the Ceremony of a Marson, and if she would grant him the Favour, he would go for a Licence, and be married the next Day.

With these Artifices, sealed with the most solemn and sacred Oaths, the charming, the innocent young *Jane* was betrayed, and yielded to the lewd Embraces of her deceitful Visitor.

In this Manner did they, from Time to Time, divert themselves, till in about two Months Space *Jane* found a strange Alteration in herself, by Qualms and Sickness, which she had been a Stranger to before, and therefore reminded her Lover of his Promise, to get the Licence and marry her; till at last she grew so importunate, that his Visits became much less frequent than heretofore.

And now old *Mew*, observing his Daughter's behaviour, often attended with Blushes and Confusion, began to suspect there was a Snake in the Grass, and bearing a watchful Eye over her, soon perceived, to his inexpressible Sorrow, she was pregnant. It is scarce possible to describe old *Mew*'s frantic Rage on this Discovery; he tore his white hair, wept bitterly, and called on Heaven to revenge his Wrongs, and his Daughter's Dishonour, on the ungrateful Visitor, and cursed the Day on which he relieved him. He loaded poor *Jane* with bitter Reflections, as the Cause of his Affliction, and that she would be the unhappy Instrument of bringing his grey Hairs with Sorrow to the Grave; that poor *Jane*, finding no Peace or Consolation

44 Harry Smythee, for Murder.

tion from an incensed Father, and to avoid his Fury and Reflections, she went to a Neighbour, and acquainted her with her deplorable Condition; who took her in, till she could get better Accommodation. Here her treacherous Lover came to see her; and when she earnestly reminded him of his Vows, and besought him to marry her, to convince her Father of her Innocence, and the Integrity of her Heart, declaring, at the same time, that nothing but the sacred Promises of making her completely happy, by joining in the conjugal State, should have prevailed with her to suffer her Chastity to be violated; he told her, he had no other Intention than to marry her, but that he had a Dependence on a rich Uncle, who had made his Will left him Executor, and Residuary Legatee to a large real and personal Estate, and if it were known that he should marry her, he would alter his Will, and leave his Estate to other Relations; and therefore desired her to be easy for the present; but after this last push for Marriage, he did not come near her.

Jane finding herself thus neglected, began to despair of ever being Wife to this perfidious Man; and whilst she was lamenting her own deplorable Condition, News was brought her of the Death of her Father, who had laid her Shame so much to her Heart, that it had shortened his Days, and so much incensed him, that on his Death-Bed he had bequeathed all his Effects to other Relations, and disinherited Jane, his own Daughter. But, what Tongue can express the Torments of deluded Innocence, or the Anguish of her distracted Soul! His Father's Death, her own Infamy, and the Care of her unborn Infant, continually presented themselves wherever she turned; and, to complete her Miseries, Poverty began to shew itself in all the dismal Forms of Hunger, Cold, Nakedness, Shame, and Contem-

Harry Smythee, for Murder. 45

empt. While she was in this lamentable Condition, she resolved to write a Letter to her Deceiver, to try if common Humanity would not prevail upon him to take Compassion upon her, and the infant within her; which Letter was to the Effect following.

SIR,

‘Would you but lay your Hand on your Heart, and seriously consider the sad Effects of those sacred Vows you made when you first attacked my Virtue, you will find that in Return for my Father’s Civility and Hospitality to you, that you have deprived me of my Honour; and with it all Hopes of Happiness in this Life. Your sacred Oaths and Vows of everlasting Love, made in the Presence of God, prevailed on me to consent to your Embraces, and I tremble to think of the dreadful Consequences that will attend the Breach of them; but, dearest of all Men, if the Remembrance of these will not move you to your Duty, let the Innocence of my Youth prevail upon you to commiserate my Sufferings, and relieve my Distress; for, believe me, Sir, that for your Sake, I have been the Cause of my dear old Father’s Death, and for your Sake he hath disinherited me, and left me nothing but the Remembrance of my Frailty for my Support. Can you therefore be so ungenerous and uncharitable, as not to administer to me a Subsistence for myself, and Provision for bringing forth an infant, to whom you gave Existence? Can my lovely Deluder divest himself of the Ties of Nature and Humanity, and clothe himself with Cruelty and Injustice? No, it is impossible; there is something so divinely just in all his Thoughts, and all his Actions, that will not suffer him to forget

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'forget his Vows to an innocent Woman, nor his
'fatherly Love to his own Image in the Womb.'

'I am, my Dearest,

'Yours, and yours only,

'YOU KNOW WHO.'

But finding that *Harry* took no Notice of her Letter, she prevailed on the good Woman with whom she lodged, to lend her some Money to bear her Expences to *Pool*; and accordingly, as soon as she could get herself ready, she set out in the Waggon for that Town. As soon as she had found Mr. *Smythee*'s House, she went directly to the Door and knocked, when a Person came and asked her what she wanted? She asked if Mr. *Smythee* was at home? No, said the other, but I am his Wife; an Answer which very much surprized young *Jane*, who being ready to faint, desired she would let her come in and sit down. Mrs. *Smythee*, seeing her big with Child, very courteously bid her come in and repose herself; and perceiving her Spirits to be low, she gave her a Glass of Brandy, and then asked her Business with Mr. *Smythee*. Upon which the poor Creature fell a crying, and told her, that on his promising to marry her, she was deluded to part with her Honour, and that she was with Child by Mr. *Smythee*, which had so enraged her Father that he turned her out of Doors, and was since dead and left every thing he had to distant Relations; and in that helpless Condition she came to Mr. *Smythee*, who was the Author of all her Evils, to provide for her. The Lady, astonished at the Tale, broke out in the most bitter Exclamations as well against her Husband for his Infidelity to her Bed, as against the unhappy Object before him for seducing him to her lascivious Embraces, and bringing a Scandal on himself and Family; and instead of pitying her Condition, told her, that

e did not quit the Town in an Hour's Time,
e would have her taken up by a Constable.

But who can describe the Confusion, Horror, and
nguish this poor unfortunate Creature was in at
is Rebuke ! She meekly retreated to the Door,
ith downcast Looks, and Tears trickling down her
cheeks, and there fainted away, without speak-
g one Word, whilst the other hastily flounced the
oor against her. A Crowd was soon got about
er, and the Town in a Hubbub, so that the Af-
ter was soon spread over the Place where they
ed; and all the good Women, instead of reliev-
g poor *Jane* in her distressful Condition, cried
t upon her for a Strumpet and a Whore, that
veigled honest Women's Husbands from their
arriage-Bed ; so she privately sneaked into an
house hard by.

In the mean time Mr. *Smythee* came home, and
s received by his Wife with a Coldness he had
ore been a Stranger to ; and entertained with a
ture for the Breach of his Marriage-Vows,
l his Ingratitude to her, who had flung both her-
, and a fine Fortune, into his Arms, and taken
n from all the Cares, Perils, and Dangers of a
or's Life ; that she did not imagine herself so
or so disagreeable in her Person, as to induce
o ramble after other Women ; it being well
own, that some of the best Gentlemen in the
untry made their Addresses to her ; but that,
trary to her Friends Advice, she had made
oice of him, and bestowed on him such Marks
her Affection, as would command from any Bo-
but such an ungrateful Man, all the Con-
cy and Love that a good Wife might expect
n a Husband. Such was the Language and
ge he met with at Home ; and to make him
uneasy abroad, Sneers and Jokes were con-
ally thrown at him in every Company where
he

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he came: So that, at last, he took a Resolution to retire, till these Tales and Prejudices should subside; and accordingly took Shipping for London, where he proposed to divert himself till Madam should invite him Home.

As to poor Jane, he laughed at her Folly, in thinking he would marry her; he looked upon her Youth and Innocence with Disdain, and on her Sufferings with Contempt. As to the Infant within her, he regarded that as the Consequence of lascivious Wantonness, and esteemed it rather as a Mark of Infamy and Disgrace, than a Matter of any Concern to him. Thus, in Spite of Nature and Humanity, he resolved to banish her and her unborn Child for ever from his Memory; and only took care, by a Confidant of his, to let her know that if she would go to such a Place, he would furnish her with what was necessary for her Lying-in; and after that, he advised her to go to London, where she might get a good Service, pass for Virgin, or Apprentice, and so get a Settlement for Life; a Fortune that often happened to Country Girls who went to London after they had been debauched.

The unfortunate Jane needed no more than this Message to make her completely miserable; for being now abandoned by Mr. Smythee, and reviled by every body, and in a strange Place, she was pierced with the Consideration of his Cruelty and Disdain, that she had not Firmness enough to support the Weight of her dreadful Calamity, but instantly fell on the Ground in a Swoon; and, had not the Noise of her Fall alarmed those in the next Room, who came to her Assistance, Death would probably have put an End to her Misery and prevented further Disasters.

At last, the Landlady desired her to go somewhere else, for she could not permit her to be the

with her great Belly and Fits ; telling her, that the Churchwardens and Officers of the Parish would lay hold of her if she staid in Town much longer ; accordingly turned her out of Doors, not suffering her to remain in the House till Day-light should favour her Departure. Being thus cruelly treated, deserted, and exposed, she retired into the Fields, where the bare Ground was her Bed, a Mole-hill her Pillow, and the Firmament her Canopy.

In this deplorable Condition she bewailed the Unhappiness that had attended her ever since her Acquaintance with Mr. *Smythee* ; she condemned her Folly in listening to his Enticements, and considered her too fond Credulity as the Source of all her Calamities, the Cause of her Father's Death, her own Infamy, and all the Miseries she was exposed to.

Being almost perished with Hunger and Cold, in the Morning she removed to an adjacent Wood, to shelter herself from the impending Rain ; when she again reflected on the Baseness of her Deceiver, and the Ingratitude of her Relations and Friends, who, though she had heaped many Favours upon them in her Prosperity, now slighted her in her distress, nor afforded her the least Assistance, but rather loaded her with Reflections of prostituting her Virtue, and abandoning herself to Vice. In this lamentable Situation was poor *Jane*, and having not the least Prospect of Relief or Comfort, in a Fit of Despair, took out of her Pocket a Pen-knife, *as it was given out*, and in a violent Agony of Grief and Remorse, cut her own Throat almost from Ear to Ear, and not only put an End to her own Life, but to that of her unborn Infant. This was the fatal Catastrophe of the poor, unhappy *Jane Mew*, once the Darling of a fond Father, and the Delight of all who knew her.

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Soon after, a Peasant passing through the Wood, discovered the dead Body, and gave Notice of it to the People at *Pool*, who, on Sight of it, immediately knew it to be the Woman that was at Mr. *Smythee's*; and remembering the Circumstances of her Case, and that Mr. *Smythee* at the same time absconded, it was shrewdly suspected that he had been the cruel Perpetrator of that horrid Fact.

About the Beginning of *January 1741*, as Mr. *Smythee* was returning Home, he was seized near *Lymington*, and carried to the County-Gaol, on Suspicion of the Murder, notwithstanding his obstinate Denial of it. And when the *Lent Assizes* came on for the County of *Dorset*, *March 12, 1741*, he was brought to his Trial.

The Indictment being read, to which he pleaded *Not Guilty*, several Witnesses were examined, the Purport of whose Testimonies was, That the Prisoner had had a familiar Conversation with the Deceased; that she came to *Pool* big with Child, and went to the Prisoner's House, and that his Wife reprimanded her at the Door for enticing her Husband to violate his conjugal Vow; at which the Deceased dropt down in a Fit in the Street; that soon after, the Prisoner persuaded her to go out of the Town, under a Pretence of providing for her, and supplying her with Necessaries for her lying-in; that after she went from thence she was found dead in the Fields, with her Throat cut, and Knife lying by her, all bloody: Others proved the Prisoner's Flight, and likewise the Manner in which he was apprehended.

The Prisoner's Defence.

The Prisoner, with a becoming Firmness and Resolution, said, That he never heard of an

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Man's being deprived of Life, Liberty, or Estate, (which are the principal Objects the Law takes notice of) without one positive Evidence; that, if he could be guilty of such a horrid Act, as to destroy a Woman, and with her the Fruit of his own Body, he could not have the Confidence to speak in his own Defence. He admitted that he had had Conversation with the Woman deceased; but as that Crime was only venial, he hoped that would not prejudice the Jury against him, in a Matter that affected his Life; he acknowledged it in Action that had been better let alone, than one; but if Repentance would procure a Remission of the Sin, he could sincerely lay his Hand on his Heart, and say, that every Time he thought of it, it gave him the utmost Compunction of Mind, and filled him with great Sorrow and Contrition; but as to the Murder, he was wholly innocent of it; that when she came to the Town to make her Complaint of being with Child, he consented to make a proper Provision for her; he told her he could not comply with her Request of marrying her, having already a worthy good Woman to his Wife. Accordingly he furnished her with Money to provide for herself; that he imagined she was either robbed and murdered for the Money he gave her, or else that she murdered herself through Horror and Shame of the Infamy which her Guilt and Folly had exposed her to.

As to what had been suggested in relation to his flight, he said, that for some Time before, he had purposed to go to London, about his private Affairs; and put his Resolution in Force at this Juncture, (which was rather sooner than he intended) by reason of some Misunderstanding, which this unfortunate Accident had occasioned in his Family, in hopes that in Time it would wear away; that on returning Home, he was, to his great Surprize,

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taken into Custody, and charged with the Murder.

A great Number of reputable Persons appeared for him, and gave him the Character of a worthy, sober Man, who had given the Neighbourhood so many Instances of a humane, benevolent Mind, that they could not believe him capable of perpetrating so horrid and barbarous an Act, as that for which he stood charged.

However, as no Proof was produced, to shew where the Prisoner was at the Time when the Murder was committed ; and it appearing he was in her Company but a very little before it was done, and that he was not seen in the Country for a considerable Time afterwards, the Jury, after consulting together for about an Hour, brought him in guilty of *wilful Murder. Death.*

After Conviction, he had, at his Request, a Clergyman to attend him, and spent most of his Time in Prayer and singing Psalms, Reading, Meditation, and good Discourse; his Thoughts seemed wholly taken up in Preparations to die; and it is to be hoped, he was brought to a true Sense of his Sins, of whatever Nature they were. From the Time of his Conviction to his Death, he behaved with all the Modesty, Chearfulness, and Tranquillity of a sensible Man, and the Devotion of a true Penitent, wholly resigned to the Will of his Creator; and the nearer his Death approached, the less terrified at the Thoughts of it he seemed to be.

Two Days before he died, he partook of the Lord's Supper, at his own earnest Request, with great Piety and Resignation.

In the Morning of the Day he was to die, he was visited by the Minister, who prayed with him and he expressed a perfect Resignation and Willingness to die, calling it the Day of his Espousals to

Jesu

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Jesus Christ. He went to the Place of Execution through a vast Crowd of Spectators, who sent up their good Wishes for him as he passed along.

At the Place of Execution, the Minister again prayed, and sung a Psalm with him; after which, with a manly Address, and in the most pathetick Manner, he spoke to the Spectators, and cautioned them against giving way to any Temptation that might lead them to the Breach of any of the Commandments, if they would escape the Punishment justly due to the Breakers of them.

Then he pulled his Cap over his Face, in perfect Composure, and behaved with all the visible Marks of Christian Fortitude, till he was turned off; when he was heard to say, *To Thee, O Lord, resign my Soul.*

Thus died the unfortunate Mr. *Smyther*, a young Man of great Hopes; he was of a proper Stature, handsome Personage, gentle and winning Disposition, cheerful in his Temper, of a generous Nature, a kind and benevolent Mind; he had a pleasant Wit, and spoke gracefully and pertinently, which made him acceptable to all Company; of an Industry in Business not to be tired; and, what is remarkable, though he spent his Youth among seafaring People, yet he seldom drank any thing but Water, or Small beer; he abhorred Drunkenness in others, and could not endure any light or profane Words, with whatever Sharpnes of Wit they were covered; in his Engagements in Trade, he was regular; in his Promises, punctual; to his Wife, very loving; and so courteous and affable to all Men, that he had many Friends, and few Enemies; he preserved a Reputation in his Neighbourhood, and was esteemed and beloved through the Circle of his Acquaintance, till this unhappy Affair happened.

54 *Capt. Goodere, Mahony, and White,*

He descended from very honest and reputable Parents; his Father was for many Years Commander of a Merchantman, and brought up a large Family, whom he placed out in the World in creditable Employs; and having, by an honest Industry, acquired a handsome Sufficiency, he settled on Shore, and resigned the Command of the Ship to young *Harry*, who behaved very much to the Satisfaction of the Merchants and Owners that employed him; he was beloved by his Sailors, whom he used with Humanity, and at the same Time kept a good Decorum on board, by carrying a proper Command. At last, being wind-bound, he put into the Harbour of *Poole*, where he fell in Company with a young Lady, whose Father was a wealthy Man, and one of the greatest Traders in those Parts; his Carriage was so agreeable, that the young Lady was charmed with him; and he being no Stranger to the Language of the Eye, made his Addresses to her, which were so well received, that at Length they were united in the holy State of Matrimony, by the Consent, and to the Satisfaction of all Parties; after which, he fell into her Father's Busines, and went on in a very flourishing Manner, till this sad Catastrophe put an End to their Happiness by his untimely Death.

Captain Goodere, for the Murder of Sir John Dinely Goodere, Bart. his Brother, 1741.

AT a Sessions held before the Worshipful the Mayor of the City of *Bristol*, and *Michael Foster*, Esq; Recorder, and other of his Majesty's Justices of the Peace, for the said City, *March 26, 1741*, *Samuel Goodere*, late Commander of his Majesty's Ship *Ruby*, was indicted for aiding, affisting,

assisting, and abetting the Murder of Sir John Dinely Goodere, Bart.

At the same Time, *Matthew Mahony* and *Charles White* were separately indicted, for the actual Murder of the said Sir John Dinely Goodere, Bart.

Mr. Smith, an Attorney at Law. I live on College Green. The Sunday before this Murder was committed, the Deceased, by my Invitation, was to dine at my House the Saturday following; of which the Prisoner being apprized, came into the Neighbourhood, and sent for me, and earnestly interceded with me to admit him into the Company of his Brother, the Deceased, under the Pretence, as the Prisoner said, to accommodate and reconcile their Differences in an amicable Manner.

Court. Where was the Prisoner when he sent for you? Did you go to him?

Smith. He was at *College-Green Coffee-House*, and I went to him, and was so pleased with the Proposal of the Prisoner, and the Hopes of their Accommodation, that without the least Hesitation, I immediately introduced the Prisoner into the Company of his Brother, the Deceased: And in such a Manner did the Prisoner behave, that seemingly the Deceased and he were as good Friends as ever; and just as the Deceased was about to go, the Prisoner took his leave of him in the most friendly and affectionate Manner imaginable. It was then dark, and I believe, about 6 o'Clock in the Evening.

Mr. Roberts. I keep the *White-Hart* on *College-Green*, opposite to Mr. Smith's. The Prisoner came to my House early in the Morning, the Day before the Murder was committed, and ordered me to get a Dinner ready for six Men, who were to dine there that Day.

Court. Was the Prisoner, *Mahony*, one of those six Men that dined at your House that Day?

56 *Capt. Goodere, Mahony, and White,*

Roberts. No: I do not think him one of the Six that dined at our House that Day; but those at Dinner, both before and after, talked of one *Mahony*, but he was not there, neither did I see him that Day.

Court. Did you ever see *Mahony* before that Time?

Roberts. *Mahony* has often been at my House, before the Murder of the Deceased, and I know him, as to his Person, very well; but I have no intimate Acquaintance with him.

Court. After the six Men had dined, what followed? Do you know the Names of all, or any one of them? Did you ever see all, or any of them before?

Roberts. I do not know their Names, nor did I ever see them before, as I remember; but they were dressed as Seamen, and I took them to be Captain *Goodere's* Men, and that he was minded to give them an Entertainment at my House; nor did I in the least suspect the Errand they were come upon. They dined in the Balcony of my Room, up one Pair of Stairs, towards the Green; and in the Afternoon, after Dinner was over, *Goodere* sent me Word, that I must make Tea for the six Men, which much surprized me, it being very uncommon Drink for Jack Tars.

Court. What Time was it when the six Men went from your House?

Roberts. They went of a Sudden, and in some Haste, all together; and it was about Six o'Clock in the Evening, as I well remember.

Court. Did you follow them?

Roberts. No; I took Leave of them as they came down Stairs, and bid them welcome.

Charles Bryant. I was one of the six Men hired by Capt. *Goodere*, the Prisoner, to seize the Deceased, and forcibly to run him aboard the *Ruby Man*

Man of War, then lying in *King Road*. We met, by the Prisoner's Directions, at the *White-Hart* on *College-Green*, where we had a handsome Dinner; and we were placed in the Balcony, that we might be ready to receive the Signal, and obey the Word of Command, without giving the least Suspicion to the People of the House. The Room we dined in was opposite to Mr. Smith's House; so that we had Notice in a Minute, when it was proper to seize Sir *John*. About six o'clock in the Evening, the Signal was given, and we left the *White-Hart*, and overtook the Deceased just before he came to *College-Green Coffee-House*, where and five others seized him, at the Word and Command of the Prisoner, *Goodere*. We then immediately rushed on the Deceased, and dragged him along toward the Ropewalk, where was a Gang of Twelve more of us, who were there ready to assist us, according to the Prisoner's Instructions. We hurried the Deceased along towards the *Hotwell*, where a Boat waited purposely to receive him.

Court... Was the Prisoner *Goodere* with you all the while you dragged the Deceased from *College-green* down to the Water-side, and put him aboard the Boat?

Bryant. Yes; the Prisoner was with us, directing, aiding, and assisting all the Time; and when the Deceased cried out 'Murder! Murder! I am Sir *John Dinely Goodere*'; the Prisoner stopped the Deceased's Mouth with his Cloak, so that the People, not knowing his Name, only asked, what was the Matter? The Answer the Prisoner and I gave, was, that he (the Deceased) was a Thief and a Murderer, and had made his Escape from the Ship, and that we were going to take him aboard to secure him, in order for his Trial; the Prisoner still stopping the Deceased's Mouth, to prevent his crying out.

58 *Capt. Goodere, Mahony, and White,*

Court. Did you go with the Deceased in the Boat to the Ship?

Bryant. Yes, I did; and the Deceased had a little more Liberty than before, and he made use of it to speak to the Prisoner, to this Effect: ‘ Brother, I know you have an Intention to murder me; I beg, that if you are resolved to do it, that you would do it here, and not give yourself the Trouble of taking me down to your Ship.’ To which the Prisoner replied, after this Manner: ‘ No, Brother, I am going to prevent your rotting upon Land; but, however, I would have you make your Peace with God this Night.’ And so, without more ado, the Prisoner hurried the Deceased on board the Ship.

Court. Did you go on board the *Ruby* Man of War with the Prisoner and Deceased?

Bryant. I went on board, and assisted the Prisoner. The Deceased loudly cried out for Help, and made a great Noise; but the Prisoner took the Precaution to tell the Crew, ‘ That they need not mind his Noise, because he was mad; and that he had brought him on board, on Purpose to prevent his making himself away.’ After we had conveyed him to the Purser’s Cabin, we were all ordered, except *Mahony* and *White*, by the Prisoner, ashore; with Directions to conceal ourselves, and keep out of the Way of Enquiry.

Court. You say, when you left the Ship, *Mahony* and *White* staid behind: Was it by the Prisoner *Goodere*’s Order?

Bryant. *Mahony* and *White* were called into the Cabin, and the rest of us were immediately sent ashore: This is all I know of the Matter till I was apprehended.

Court. You say, you was hired by the Prisoner to run the Deceased aboard the Ship; what did the Prisoner give you? How much Money each?

Bryant.

Bryant. I had a Guinea given me by the Prisoner himself.

Prisoner. When did I give you the Guinea ? And was it not for Wages due to you ?

Bryant. It was within a Day or two before we hurried the Deceased aboard. The Prisoner never owed me Wages, for I never was in his Service. I am a Sailor belonging to the *Vernon* Schooner, and an *Irishman*. He, the Prisoner, came and hired me and five others, and gave each of us a Guinea, to do the Business, which we afterwards did, of hurrying the Deceased aboard the Prisoner's Ship.

Mr. Berry. I was First Lieutenant of the Prisoner's Ship ; and, being upon Deck, I saw the Deceased brought on Board, late in the Evening, on the 23d of January last. The Deceased was immediately carried into the Purser's Cabin, and there kept till about Five o'Clock the next Morning.

Court. Were the Prisoners with the Deceased all that Time ?

Berry. The Prisoner *Goodere*, *Mahony*, and *White*, were all with the Deceased.

Court. Where was you, that you knew the prisoners were with the Deceased ?

Berry. I saw the Prisoners and Deceased together, through a Crevice in a Cabin adjoining to the Purser's Cabin.

Court. You say, that the Deceased was kept the Purser's Cabin till about Five o'Clock in the Morning ; did you see what passed between the Prisoners and Deceased after that Time ?

Berry. I, the Cooper of the Ship, and his Wife, happened to be in the next Cabin, and, by the Help of an open Crevice, saw the whole Transaction. I heard the Bargain between the Prisoner *Goodere*, and *Mahony*, and *White*, about the Murder of Sir *John* ; which was, that *Mahony* should

60 *Capt. Goodere, Mahony, and White,*

have 200*l.* and *White* 150*l.* what Money the Deceased had in his Pocket, they were to divide between them, together with his gold Watch : Which Agreement being ended, *Mahony* and *White* went immediately about their bloody Work, the Prisoner *Goodere* standing Centry with his drawn Sword in one Hand, and a Pistol in the other, to kill the first Person who should make any Opposition to what they were about.

Q. What did the Prisoner *Goodere* say at this Time?

Berry. I heard him swear, that the first Person that should offer the least Opposition to what they were about, he would kill him.

Q. In what Manner did they murder the Deceased?

Berry. The first Thing they did, they took a Handkerchief out of the Deceased's Pocket ; *White* held his Hands, while *Mahony* put it about his Neck, and then each of them pulled as hard as he could, in order to strangle the Deceased at once; but Sir *John* making a desperate Struggle, the Prisoners could not effect it so as to prevent his crying out, ‘ Murder ! For Christ’s Sake don’t kill me ; take all I have, but save my Life : Dear Brother ! What ! Must I die ? Help ! Help ! Murder ! &c.’

Court. Where was the Prisoner *Goodere*, when the Deceased cried out in this Manner ?

Berry. He was standing Centry at the Cabin-Door ; and upon the Failure of the first Attempt in murdering the Deceased, he, the Prisoner *Goodere*, ordered *Mahony*, to prevent any further Noise, to take a Cord, he had laid ready ; *Mahony* then slipped off the Handkerchief, and put the Cord about the Deceased’s Neck ; the Cord had a Noose at the End : Then *Mahony*, holding the Cord in one Hand, did thrust the other in the Deceased’s Throat,

and

nd his Knee against his Stomach. In the mean while *White* held the Deceased's Hands, and took out of his Pocket eight Guineas, and a gold Watch. Then *White* came directly to the Prisoner *Goodere*, and acquainted him with what was done, and hewed him his Brother's Watch and Money. The Prisoner then asked *Mahony* and *White*, whether the Jobb was quite compleated? They both answered, t was. Then the Prisoner gave *Mahony* eight Guineas, and a Silver Watch out of his own Pocket, and to *White* he gave his Brother's gold Watch. The Prisoner gave *Mahony* and *White* what Money he had about him, and bid them get ashore directy, that they might the more easily make their Escape before Day-light came on.

Court. Prisoners, will you ask the Evidence ny Questions?

Pris. Goodere. Whether I was there when *Ma-
ony* and *White* murdered the Deceased?

Berry. The Prisoner was not in the Cabin, but at the Cabin-Door, armed, standing Centry, to prevent any Opposition that might be made.

Mahony. Did not the Captain threaten to shoot me, if I did not immediately strangle the De-
ceased?

Berry. I heard no such Words pass.

Mr. Jones. I saw the Murder of Sir *John Dinely Goodere*, through an open Crevice; and *Mahony* and *White*, by the Direction of the Prisoner *Goodere*, did strangle the Deceased. The Morning the Mur-
der was committed, I and the Lieutenant took the Prisoner by a Stratagem, and found the Body of Sir *John* with the Prisoner in the Cabin, and found, by evident Tokens, he had been murdered by the violent Means of strangling.

Nicholas King, Coroner. It is my Opinion, that the Deceased was murdered by the violent Means of strangling.

Anne

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Anne Jones. I saw *Mahony* and *White* murder the Deceased ; and *Mahony* did, with a Cord strangle the Deceased, and kill him.

Mr. Ford. I had *Mahony* under Cure for the foul Disease for three Weeks, when he told me, he had a private Jobb in Hand to do for the Captain, for which he was to have 200*l.* and then he would reward me handsomely for my Trouble.

The Prisoner's Defence.

It is a very hard Case, and a very great Hardship on an innocent Man, who, because his Brother has been killed, must, right or wrong, be the Murderer. I am innocent of the Fact, and I had no Hand in the Murder laid to my Charge. My Brother was lunatick, and in a Fit of the Phrenzy strangled himself, which I can prove by my Witnesses.

Sarah Gettings. The Deceased was mad by Turns, and very often attempted to make away with himself.

Anne Gettings. The Deceased has been a long Time subject to strange Whims and Phrenzies, and often talked of shooting, drowning, and strangling himself.

Thomas Chamberlain. I have been acquainted with the Deceased some Time, and I never saw any Appearance or Likelihood of Phrenzy ; and that Day he was hurried aboard the Prisoner's Ship, I dined with Sir John at Mr. Smith's, and I am certain he was then as much in his Senses as ever Man could be.

Mr. Smith. I have been the Deceased's Attorney several Years, and his intimate Acquaintance, and I never saw the least Appearance of Phrenzy in him. Guilty. Death.

Then *Mahony* and *White* were brought upon their Trials, for the actual Murder of Sir John

Dinely

Dinely Goodere, Bart. when the same Evidence appeared against them, as in the foregoing Trial against the Captain; upon which they were both convicted. *Death.* Upon which, Sentence was passed upon the three Prisoners, and they were all executed accordingly.

Some Account of the Discovery of this horrid Murder.

Mr. Smith, (the Gentleman at whose House Sir John Dinely Goodere, and his Brother, Capt. Goodere, spent a sociable Hour together the Day before) accidentally heard that Evening, that a Person who had the Appearance of a Gentleman, was hurried in a very violent Manner over College-Green, and that a Gentleman, who, by the Description of him, answered to the Person of the Captain, assisted; and Mr. Smith knowing the Ship was to sail the first fair Wind, and remembering that they went out of his House near together, it came directly into his Head, that the Captain had took him on board with Intent to destroy him, when he came upon the High Seas. This Suspicion being strengthened by other Circumstances, made so deep an Impression on his Mind, that early in the Morning he applied himself to Henry Cimbe, Esq; the Mayor, for an Officer to go and search the Ship, before she was sailed out of the Liberty of the City, which reaches 10 or 15 Miles down the River. The Officer the Mayor thought fit to send, was the Water-Bailiff, with proper Assistance, and full Orders to search the Ship for Sir John Dinely Goodere, Bart. The Officer obeyed his Orders; and coming to the Ship, the Cooper, his Wife, and Lieutenant Berry, acquainted him, that they had been just consulting about the Affair, and discovered to him what they knew of the whole Matter, the Captain

64 *Capt. Goodere, Mahony, and White,*

Captain being then safe in his Cabin. The Water-bailiff immediately sent this Account to the City Magistrates, who thought proper to reinforce him with a strong Guard to secure the Captain; but before the Guard came, the Cooper and Lieutenant had done the Business.

A Letter was sent, wrote with Capt. *Goodere's* own Hand, and directed to Mr. *Gerard Smith*, Attorney at Law, on *College-Green, Bristol*, purporting, that to his (the Captain's) great Surprise, he had discovered that his Brother Sir *John* had been murdered by two Ruffians, and that the Villains suspected were supposed to have got away. This confirmed Mr. *Smith* in his Suspicion; and the Captain being seized, as before-mentioned, was brought before the Mayor at the Town-Hall, where many of the Aldermen and Magistrates of the City were also assembled.

It seems very remarkable, that among all the Persons concerned in this dark Affair, there was but one *Englishman* let into the Secret, for the rest were all *Irish*, and all belonged to the *Vernon Schooner*. This *Englishman* belonged to the Captain's Ship, and was appointed to assist *Mahony* and *White* in the Murder of Sir *John*; but that very Night, he, by some Means or other, got so very drunk, that they could not waken him, nor get him out of his Hammock, (a lucky drunken Bout, that saved his Neck from the Halter) so that the Captain was forced to officiate in his Place.

This unparalleled Scene of Barbarity (according to *Mahony's* voluntary Confession) was concerted between him and the Captain some Time before, and, in all Probability, the Death of Sir *John* had been before compleated by this bloody Villain, had he had a convenient Opportunity. And so little Effect had *Mahony's* Cruelty upon him, that, whilst his Irons were putting on, he said, he did not care

he was to be hanged To-morrow, provided he
should have a Priest to give him Absolution.

*Some Account of the Life of Sir John Dinely
Goodere, Bart. with the Motives which induced
his Brother to assassinate him.*

The late Sir *John Dinely Goodere* was a *Herefordshire* Baronet, and the fourth Son of Sir *Edward Goodere*, who was a Descendant, as a Baronet, of the present Family. The said Family had formerly enjoyed the Honour of Knighthood, and had been considerable Note and Esteem in their respective Counties. His Father, Sir *Edward Goodere*, created a Baronet of *Burghope* in *Herefordshire*, (the Seat of the Family) in the 6th of Queen *Anne*; afterwards had a Seat in the House of Commons, as Knight of the Shire for the County of *Hereford*. Before the Death of Sir *Edward*, a Son named *Dinely*, a Relation, who was possessed of a very plentiful Fortune, and who lived at *Evesham*, in *Worcestershire*, having a great Prospect for the late Sir *John*, made him his Heir, Condition that he should change his Name; for which Purpose he obtained an Act of Parliament. *John*, when young, was not very tractable, so that his Father sent him on a Voyage to the *East Indies*, and he had sailed to several other Parts of the World, having been at Sea some Years. As he could not learn much Gentility on Shipboard, he returned to his Father, (who had some Thoughts of getting him a Commission in the Royal Navy) and expressing his Dislike of being sent from Home, declared he would never go to Sea; and 'tis said, his Father, on Declaration of his, told him, he was more fit for a Boatswain than to enjoy the Title of Baronet. At the Death of Sir *Edward*, and of Mr. *Dinely* of

66 Capt. Goodere, Mahony, and White,
of Worcestershire, Sir John, to whom the Title
Baronet devolved in Right of his Father, had
very pretty Estate, when his Father's, and that for
which he changed his Name, were both joined.
is said, that he was possessed, in the Counties of
Hereford and *Worcester*, of upwards of 4000*l.*
Year; but we are assured his Income was a good
3000*l.* Sir John, about the Age of 23, married
young Lady, the Daughter of a Merchant of that City
who gave her a Fortune of upwards of 20,000*l.*

But it so happened, some Years after, through
domestic Jars in Sir John's Family, that Sir Robert
Jasen, a neighbouring Baronet, who came pretty
frequently to visit Sir John, was suspected of Familiarity
with Lady *Dinely*. Sir John's Suspicion
were raised to such a Degree, that he forbade
Robert his House. The Consequence of this was
that Sir John brought an Action in the Court
Common Pleas at *Westminster*, for Criminal Co-
versation, and laid his Damages at 2000*l.*

It appeared on the Trial, that Sir Robert and
the Lady were found in a very indecent Posture
behind a Hayrick. Upon which the Jury gave the
Plaintiff 500*l.* Damages; which Sir Robert did
not pay.

Sir John, after this, indicted his Lady for a Con-
spiracy to take away his Life; and by the Evidence
of a Maid-Servant, the Lady was found guilty, and
committed to the King's-Bench Prison for twelve
Months, and to pay a small Fine. While she
remained in Prison, he petitioned for a Divorce;
but she being assisted with Money by Capt. Goodere
and other Friends, opposed it so strongly, that the
House of Lords were of opinion that it could not
be granted; and so dismissed the Petition.

The Captain's View in furnishing the distressed
Lady with Money, as he himself told Sir John,
was, that he should not marry a young Woman.

and so beget an Heir to the Estate; and this was one of the principal Motives that induced Sir *John* to leave the greatest Part of his Estate to his Sister's Sons.

The principal Occasion of this horrid and barbarous Murder, was the Injury Captain *Goodere* apprehended Sir *John* had done him, in cutting off the Entail of his Estate, except 600*l. per Annum*, which he could not meddle with, in order to settle it on his Sister's Sons.

It is very certain, that Sir *John* had a great many Faults, and a great deal more might be said of him; but, as it is not our Design to rake in the Bones of the Dead, we leave every one to their own private Opinion, and pass over in Silence what is illaudable in his Character.

By the Death of Sir *John*, an Estate of 400*l. per Annum* devolved to the Lady *Dinely*, his Wife, not as a Jointure, but as an Estate of her own, which Sir *John*, while living, kept in his own Hand.

Brooks and Grierson for a Misdemeanor,
1749.

AT the Sessions at *Guildhall, London*, Jan. 31, 1748, *Jonathan Brooks* and *James Grierson*, otherwise *Guerson*, were indicted for high Crimes and Misdemeanors, in combining together, and breaking an Assault, and falsely imprisoning *Mary Redding*, Spinster, in an uninhabited House, in order to get her married, against her Will and Consent, to the aforesaid *Jonathan Brooks*.

Q. Do you know Mr. *Brooks*?

Redding. I know him; that is he (pointing to the Prisoner) that is the Wretch that confined me so long.

Q. Was

Q. Was there another Gentleman in a Gown with him?

Redding. There was; and I believe he had on a coloured Waistcoat.

Q. Is that the Person that is by *Brooks*?

Redding. I think it is not; he was a thin Man, of a pale Complexion; but that is the Wretch, (pointing to *Brooks*) that kept me 12 Hours in an uninhabited House.

Q. How came you to go to that House?

Redding. I lost two *East India* Bonds in 1747; one was stopped, and I had it again; but the other N° 5042, I never had again; I had some time called on one Mrs. *Turner* in *Philpot-Lane*, as her Husband belongs to the India-House, to know if I could hear of it; she sent her Maid to my House October 7, who told me, my India-Bond was in *Fenchurch-Street*. The Maid carried me to her Mistress, who told me the Person or the Bond was stopped. Said I, this is good News; pray, where is it? Says she, I will go with you; so she goes with me down an Alley to this House, about 12 at Noon. This House is in *Magpye-Alley*, *Fenchurch-Street*. It was a large House; she told me it was an Alderman's House. When we came there, instead of an Alderman, there was that Wretch (pointing to *Brooks*) behind the Door. As to Furniture, there were some Chairs, Tables, and a Grate with a Fire in it.

Q. What did *Brooks* do to you there?

Redding. He shut to the Door as soon as I was in, and kept me there against my Will 12 Hours. I attempted several Times to get out, but he tore me from the Door, and also from the Window, when I went near it. I cried out, but he stopt my Mouth with a Handkerchief, and almost took away my Breath; I struggled, and bit his Finger, and screamed out as loud as I could;

Mrs. Turner

Turner went out at the Window, and left me with this Wretch. Then I fell down on my Knees to the Wretch, to let me go out. ‘ No, says he, if you scream never so loud, you shall not go out; and if you are not still, I must use Violence with you.’ God knows what I endured from that Wretch; so when I saw the Mother of this Mrs. Turner, glad was I. Says I, where is your Son? says she, he cannot come; she came into the house to me; says I, sure I shall go out now. says she, (to that Wretch) will not you let her go out? The Wretch would not say I should.

Q. Was there a Person came that appeared like Clergyman?

Redding. Yes, about 7 or 8 o’Clock. When he had walked in and out, Well, Madam, says he, this is a Gentleman; have you any Inclination to marry? Said I, I have no Inclination to marry; have lost an India Bond, said I, that is what I care about, and that Wretch will keep me here against my Will. Then, says he, if you will not give your Consent, I do not see any thing to be done in it; the other Wretch said, he did not know but I should be here these three Days.

Q. Was there any Book took out of the Clergyman’s Pocket; and did he read in it to you?

Redding. I do not know that there was; I was perplexed, I can’t remember I either saw a book, or heard a Syl’able read. The Clergyman was in and out about an Hour, or an Hour and an Half.— betwixt Whiles they drank Wine and strong Beer, but I did not: I was crying, and striving to get out. says the Clergyman to me, this *Brooks* is a filly man. I desired the Clergyman to go to a Cousin of mine to come and get me out; but he would not.

Q. Did he not read in a Book to you the Questions in the Form of Matrimony?

Redding.

Redding. If he did, I never heard a Syllable of it; I never was married in my Life.

Q. What Time did you get away?

Redding. I believe it was about 12 o'Clock at Night; that Wretch said, I should go out in a little Time; I took hold of the Gentlewoman's Gown fearing he should take hold of me; so we parted at the End of *Fenchurch Street*. She was with me from 3 in the Afternoon, till I went away; I went along, and he seemed to follow me; I thought, I could get to the *Bull-Head Tavern*, he should be stopped. I went to a Relation's, and knocked them up; I would not go to my own House, fearing he should come; when the Servant came to the Door says I, that Man has kept me in a Room 12 Hours then he went away. He came to my House 5 or 6 Days afterwards; I cried out, Murder! He said it was in vain to cry out, saying, he should not do me any Hurt. He held my Head against the Window, because I should not cry out. He pretended he was married to me; but I was so frightened, hardly know what he said.

Q. Do you remember being before the Justice?

Redding. On Friday the 14th I was before Justice *Hammond*.

Q. Do you remember any Thing Mr. *Brown* said there about being married?

Redding. No, I don't know he said any such Thing there.

Q. Did the Justice ask him if he was married?

Redding. I do not know he did; but I have heard he has got a Wife some where.

Cross-examined.

Q. Did he not court you some Time?

Redding.

Redding. I never gave him Liberty to court me ; I found him a Man of no Credit ; I would not trust him in my House.

Q. How long have you known him ?

Redding. About a Year.

Q. Have you never received Presents from him ?

Redding. No, never in my Life.

Q. Did not you visit him at some Times, and you ?

Redding. This Person came to take a Lease of Houses ; I went to the House to see if such a son lived there ; there was an old Woman kept House ; said I, this Mr. *Brooks* wants to take a lease of my Houses ; said I, the Estate will be very cheap : Supposing him then to be an honest Man, I had some Thoughts of letting him Houses. He came several Times to me on that Occasion. Says I, can you get any Body to Security for you ? He said, no, Madam, he was sufficient of himself ; but I was advised not to let him my Houses.

Q. Did you never promise him Marriage ?

Redding. No, Sir, never in my Life ; never says in my Breath ; no, no.

Q. Did not you drink Wine, or strong Drink, when together, about 5 o'Clock that Night ?

Redding. I did not let a Child's Pap-Spoon full into my Lips.

Q. Who was present besides Mrs. *Turner* and Mother Mrs. *Empys* ?

Redding. There was a Man, that said his Name was *Thomas* ; I know of no more.

Q. Did not you answer to the Questions read to you out of the Book ?

Redding. I did not hear any body read out of Book.

Q. Pray,

Q. Pray, Madam, when did you alter your Mind?

Redding. I was always of one Mind, never to have him; never to have him; never to have him.

Q. Pray, had you not drank pretty freely that Night?

Redding. I am sure I was sober; I do not know what should make me otherwise.

Q. Did not they drink good Joy to you?

Redding. No, Sir.

Q. To *Martha Turner*. Do you remember any thing of sending to Mrs. *Redding*, to give her Information about Bonds, &c?

Turner. Mrs. *Redding* has been often at our House to enquire, as my Husband is a Clerk in the India House. One Day somebody knocked at our Door, and said, the Bond, or the Man, was stopped, and likewise they left a Direction in Writing about their being at a House in *Magpye-Alley*, and desired the Maid would go and inform Mrs. *Redding* of it, and she should have a handsome present for her Trouble. She went accordingly; I went with her to this house in *Magpye-Alley*. This was before Dinner: We went in, and I came away rather sooner than ordinary; says I, Madam, I cannot stay with you any longer.—I know nothing of the House: There was a Fire in the Grate, that's all I know.

Q. Who did you see there besides Mrs. *Redding*?

Turner. I saw Mr. *Brooks*; they were talking together; so I came away directly.

Q. Why did she not come away with you?

Turner. I know nothing to the contrary, but she might as well as I; I saw nobody hinder her.

Q. What Sort of a Door did you go out at?

Turner. Mr. *Strickland*, their Attorney, wanted me to say it was a Window; but I cannot say whether

whether it was a Sash-Door or a Window; I took it to be a Sash-Door; it was wide open, and I came out of it as out of a Sash-Door; there was ever a Step.

Q. How came you to come away so soon?

Turner. I had taken Physick that Day; so I now not what happened afterwards.

Q. Have not you been to take a View of that Window since?

Turner. I went with Mr. Strickland on that Account; we only looked through the Key-hole.

William Hammond, Esq; being sworn, deposed: happened to be passing by Mrs Redding's House, think this was in October. I do not charge my Memory; I seeing a Mob about Mrs. Redding's door, enquired the Occasion of it; I was told, there was a Man got into Mrs. Redding's House, under Pretence of being her Husband. I went and asked the Cause of it. Says the Man, she is my Wife: Says I, then I will go about my Business. Mrs. Redding called out, Pray, Sir, stay; he says he has a Right to all these Things, and has taken possession. So I asked her, Are you married? She answered as at this Time, and begged for God's sake I would stay. I sat down, and asked the Man who he was; he said he did not live far from hence, telling me he was a Soap Boiler, and lived

Tooley-Street. Is it such a Man's House, said I, at Stephen's? Yes, said he, I have took that house. I had observed the House all shut up, which gave me a Suspicion of the Man. Said I, you are not married, you impose upon us; pray where was you married? He said, in London. Said where there? He answered, in Fenchurch-Street, a House. Said I, who married you? He told me some Name; I forget now. Says he, he belongs to the Chapel in May-Fair. Says I, have you not a Certificate of your Marriage? He gave me a

Piece of Paper, I made a Mark upon it, to know it again, and return'd it him; it did not appear to be such a Thing. The Woman kept telling me, she had been confined so many Hours in a House, and said she had been assaulted by a Handkerchief crammed into her Mouth. Says I to him, if you are not her Husband you have been guilty of an Assault. I asked him if he had any Bail? He did not say he had: So I committed him for further Examination. As he was going out, he said to the Woman, you are my Wife, and I must take my Leave of you if I must go to Gaol.

Q. Was there any Examination taken in Writing?

Hammond. I know not whether my Clerk took any for his own Curiosity; but there was no regular Examination taken by me.

Q. What did Brooks declare on his second Examination?

Hammond. He then persisted in it he was married to Mrs. Redding: She said, they were not married. He produced two Men for Bail; one did not like, and the other told me, had he known the Affair he would not have come, but have let it alone. The Woman strenuously denied her being married. I ask'd her, if she had a Ring upon her Finger? She said, she saw no Ring, nor no Book. As for Brooks, he never denied their being both in the House the Time she mentioned. I asked him how he came to put the Handkerchief to her Mouth. He said, it was to wipe her Mouth.

John Odway deposed thus: I live with Mr. Kent in Castle-Street, Southwark. Mrs. Redding came to my Master's Door the Time this Buttle was nearer One o'Clock than Twelve at Night. On her knocking, I went directly and told my Master Mrs. Redding was at the Door. My Master sent the Key by the Boy, and I let her in. When she opened

opened the Door, the Prisoner *Brooks* stood a little Way from it ; Mrs. *Redding* told me, that Person had used her very ill, and had kept her confined, in an empty House, 12 Hours, and he wanted to be rude with her ; and, when she went to scream out, he stopped her Mouth with his Handkerchief. He went away directly, as soon as ever I had let her in. She did not stay there that Night. I stood at the Door to watch, and the Boy went home with her ; I saw her go home, and the Boy came back again.

Thomas Daun being sworn, and ask'd what he knew of this Affair in *Magpye-Alley* ; answered, remember Mr. *Brooks* was there, and there was a Woman married to him there.

Q. Look at this Woman ; is she the Person ?

Daun. If that is she, her Cloaths have altered her very much ; when she was married, if that is she, she was in Yellow, and had on a black Velvet Bonnet.

Q. Do you not know the Gentlewoman by her Face ?

Daun. Her Bonnet was almost all over her Face.

Q. to *Odway*. What Cloaths had Mrs. *Redding* on when she came to your House that Night ?

Odway. I cannot remember ; nor can I tell whether she had a Hat or a Bonnet on.

Q. to *Daun*. What Day was this ?

Daun. I cannot remember that ; I think it was about the Beginning of *October*.

Q. Did you see some Woman married to Mr. *Brooks*, at this House in *Magpye-Alley* ?

Daun. I did ; and that Woman answered to the Name of *Mary Redding* of *St. Mary Overy's*.

Q. What Time did you come to that House in that Day ?

Daun. Not till betwixt 3 and 4 o'Clock.

Q. Did you hear the Parson go through the Ceremony of Matrimony ?

Daun. He went through the Ceremony the same as was, I think, when I was married.

Q. Did you hear the Woman answer to all the Questions put to her in that Ceremony ?

Daun. As far as any Woman could do.

Q. Did you see her Face ?

Daun. No ; she never looked up.

Q. Was there any Force put upon her ?

Daun. No ; there was not, on my Oath, as I saw.

Q. How came you to see this Wedding ?

Daun. He said he was going to be married to a Lady ; so I came down Stairs to see it consummated, I think they call it.

Q. What was your Busines in that House ?

Daun. Mr. Brooks said, he would take this House if he liked it, and desired me to take an Estimate, to know what the Repairs would come to ; so I went, and took the Painter along with me.

Q. Did you ever see this Mrs. Redding before ?

Daun. No, never with my Eyes before or since, except at Mr. Hammond's.

Q. Will you swear this is the Woman that was married there ?

Daun. I believe she is the Woman I saw at Mr. Hammond's.

Q. What did you say your Business was there ?

Daun. I was upstairs looking on the Tylings, Plaistering, and Timber-work, from 4 till about 7 o'Clock.

Q. Was the Minister there when you came down Stairs ?

Daun. Mr. Brooks said, the Lady had con-

fented

Tended to be married, and he had sent for a Minister.

Q. Did you see the Minister come in?

Daun. I was there when he came in; and I saw him have a Book in his Hand, and I believe she might see it. I heard him read, and put the Marriage-Questions to her. He spoke as loud as I do now. She answered to the Questions, and spake out well. I saw no Unwillingness in her, nor indeed on either Side. I saw a Ring put upon her Finger.

Q. Was there any screaming out at or before this Time?

Daun. I heard none, no more than I do now. If she was forced, it was before I came.

Q. After they were married, did they seem to act as a loving Couple?

Daun. I saw no Coyness in the Case. This (pointing to Grieson the other Prisoner) is the Man that performed the Marriage-Ceremony.

Q. Where do you live?

Daun. I live in Benjamin-Street, near Cowcross. I am a Bricklayer by Trade.

Q. Was the House inhabited by any Person at that Time?

Daun. I cannot tell. There was no Furniture as I saw, except a Chair or two, a Table, and a Grate, with some Fire in it. The Wedding was performed about 7 o'Clock at Night. When Mr. Brooks called me down, I said, what can I do in it? He said, do you come and be an Evidence. So, when I came down, I saw a Woman there with Mr. Brooks, and another Man, and then they solemnized the Wedding. It was done in a Parlour next the Alley, on the right-hand. The Clergyman, when he came in, asked who was to be married? Mr. Brooks said, I and this Lady. Then

Mr. Brooks and the Gentlewoman stood up and were married, according to my Thoughts; the Clergyman pulled his Book out of his Pocket; and the Woman stood on Mr. Brooks's Left-hand, and they both answered.

Q. Did you hear him read, *Wilt thou have this Man to be thy wedded Husband?*

Daun. I did; I heard her say, *Yes*; and she answered to all the other Questions.

Q. What became of them afterwards?

Daun. We staid there about half an Hour, and then took Coach and came back again; namely, Mr. Brooks and his Spouse, Mr. Freeman and I all went out together. He insisted on going home with her: she said, *For God's Sake, do not go home with me To-night.*

Q. What Reason did she give for saying so?

Daun. Why, if I must tell you, it was this: She said, I am not fit for a Man; so I must desire you to stay till Monday or Tuesday, and, if you come then, I will give you an Answer.

Q. Where did you all go then?

Daun. We went to Mr. Freeman's House the Fan-Painter, in *Crown-Court, Chick-Lane, by Smith-field*. There they lay down on the Bed together, and I flung a Coverlid over them; I know no more of it.

Q. What Sort of a Woman was this you saw married?

Daun. She was an elderly Woman; I really believe this to be the Woman, but I will not swear that.

Q. Was her Voice like this Mrs. Redding's?

Daun. Upon my Oath her Voice was like hers.

Q. Did they stay there all Night?

Daun. No, Mr. Brooks and his Spouse went away about 11 o'Clock at Night.

Q. How

Q. How long was you at *Magpye-Alley* with them?

Daun. I believe I might be about half an Hour with them there.

Q. Did you say this at Mr. *Hammond's*.

Daun. I do not know I gave Mr. *Hammond* any Account at all. He bid me stand by a Table, and desired the Woman to come and look at me, and see if I was one of the Rascals that was there.

Q. Did you pass no Examination there?

Daun. No, none.

Q. Did you say there you saw them married?

Daun. Yes, I did; and said, I believed that was the Woman; but I told him I would not swear to her Face.

Q. Did what you said there agree with what you say now?

Daun. I believe what I said there was to the same Effect I now say; but Mr. *Hammond* was enough to fright me out of my Wits. He used me very roughly. I believe none of you, Gentlemen, would have used a Person as he used me: He told me he would send me along with Mr. *Brooks*.

Court. Mr. *Hammond's* Character is well established here; and, as to his Conduct, we know him to be tender in his Office.

Robert Paul Freeman being sworn, was ask'd, if he ever saw that Gentlewoman before? (directing to *Mrs. Redding*.)

Freeman. If I did, she is altered in her Dres.

Q. Did you ever hear her speak?

Freeman. Yes; her Voice is something like the Voice of the Person that was married in *Magpye-Alley* about the Beginning of *October*, but I cannot tell the Day; I little thought of being asked any more about it.

Q. Who was married there?

Freeman. Mr. Brooks and Mrs. Mary Redding,
A Clergyman was there.

Q. Did the Clergyman ask Mrs. Redding any
Questions before the Ceremony was performed?

Freeman. I cannot call to mind whether he
asked her any or not.

Q. Did any body use Violence with her, to
bring her to be willing to be married?

Freeman. There was no forcing in it.

Q. Did you see them married?

Freeman. I heard the Marriage-Ceremony en-
tirely.

Q. Did you hear the Questions put to her that
are used in the Ceremony?

Freeman. I did ; and she seemed to answer very
chearfully ; and after the Ceremony, the Man, I
believe, did salute his Spouse, which she took very
well, as far as I saw. It was pretty late at Night
when this was done ; Candles were lighted.

Q. What coloured Cloaths had she on?

Freeman. To the best of my Knowledge her
Gown was yellow. I think she had a red Cloak,
and a black Velvet Bonnet on.

Q. Was you before Justice *Hammond*?

Freeman. I never saw him in my Life.

Q. Where did this Couple go after they were
married?

Freeman. To my House in *Craven-Court, Chick-*
Lane ; Mr. *Dawn* and I went with them. There
the Woman went and lay down on the Bed, of
her own Accord. Mr. *Brooks* asked her if she
would lay down on the Bed, and she said, Yes.

Q. Did you ever see the Gentlewoman before
that Time?

Freeman. No, I believe not. This Gentle-
woman is very much like her who was at my House;
but I will not swear she is the Person.

Q. Did

Q. Did you ever see Mr. Brooks before?

Freeman. Mr. Brooks is a Stranger to me.

Q. What Goods did you see in this House?

Freeman. There were some Chairs, a Table, and a Glass. There was no Family lived in it.

Q. Was you called to the Wedding?

Freeman. No; but as Mr. Daun was called down to it, I did not chuse to stay alone; so I came down with him.

Q. How long did this Couple stay at your House?

Freeman. About three Quarters of an Hour; but where they went from thence I do not know, nor whether they took Coach or not.

Q. Did you hear any screaming out in Magpye-Alley?

Freeman. There was no crying out as I heard; nor do I know that she desired to send for any Friend; nor did any body hold her while I was here; there was no Bustle at all; she was married very quietly.

Q. What Time did you go from Magpye-Alley?

Freeman. I cannot tell directly; about 8, or 9, or 10 at Night.

Q. to Daun. Did you offer to be Bail for Brooks at Mr. Hammond's?

Daun. Yes, I did.

Q. What Time did you go from Magpye-Alley?

Daun. Between 8 and 9 o'Clock.

Q. Did you know before you went, there was to be a Wedding?

Daun. No, Sir, no more than you do I am going to be married now.

Q. Were the Doors fastened?

Daun. The Doors were open all the Time..

Q. Did any People come in while you were taking this Estimate?

Daun. Yes, several; and came up Stairs, passing by the Door of the Room where Mr. Brooks and Mrs. Redding were.

Q. What Sort of Windows had this House?

Daun. There are Sash-Windows; but there is a double Sash-Door that folds to.

Q. Do you often take Estimates of Houses?

Daun. Yes, Sir; though we do not always put down the Day of the Month when we take them; I took this Estimate and put it in my Pocket, but have lost it.

Here the Court thought proper to examine Daun and Freeman apart. Daun ordered out of Court.

Q. What Branch of Painting are you of?

Freeman. I am a Fan-Painter.

Q. What Time did you begin to take this Estimate?

Freeman. About 5 o'Clock; but cannot tell what Part of the House we began at; though I think it was below Stairs. We took an Account of a broken Place in the Wall, I cannot say how many Feet; in the Yard there was a Well; the Wood-work wanted repairing. There was some broken Timber in the Cellar, and shoaring wanting. Then we went up Stairs, but could not see much wanting there. We went all over the House, from Top to Bottom; we took an Account of several Places, the Particulars I cannot tell. We did not go to the Outside, to take a View of the Tyling; nor did we take any Estimate of the Painting. *Daun* was with me in every Place.

Q. What was your Business there?

Freeman. I went to set down as *Daun* advised me; I can write better than he, and did set down several things.

Q. How many Rooms were there in the House?

Freeman. There were a great many Rooms, and we set down any broken Places in the Wall we saw.

Q. Did you finish your Estimate?

Freeman. Mr. Brooks called Daun down before we had half-finished. We were not aboye an Hour about what we did do. We used no Candle; it was Day-light, but very dim when we left off. I took down all we did in Writing, on a Sheet of paper, and filled about half of it.

Q. Was you with Daun when he was called down?

Freeman. I was looking about at the Paintings that Time.

Q. How many Rooms on a Floor were there this House?

Freeman. I believe there were three Rooms and a little Closet on a Floor; the House is two stories high, besides the lower Apartment. The painting I was looking at was on the Wall of the Stair-Case. There was another Piece of Painting in the next Room to the Stair-Case, on the Left-hand. It was a History Piece, a Woman stabbing herself, kneeling down at an Altar-piece. I went down with Mr. Daun, though he did not tell me what he was going down for.

Q. Was you in the same Room with him when he was called down?

Freeman. He was in one Room, and I in another.

Council. It is very odd you should not be in the same Room, as you was his Secretary. How often had you been with this Mr. Daun to take Estimates?

Freeman. Never but once.

Q. Did you both go into the Room together where the Marriage was performed?

Freeman. Yes, we went into the Room directly, where we were about a Quarter of an Hour before the Marriage was performed.

Q. How much did the Estimate you made amount to?

Freeman. I cannot tell, it was not finished; I gave it Mr. *Daun*.

Q. Who gave the Woman away?

Freeman. Mr. *Daun*, I believe.

Q. Was you paid for taking this Estimate?

Freeman. I never was.

He is ordered away, and Daun brought into Court.

Q. What Time did you and *Freeman* go to this House?

Daun. About 4 o'Clock.

Q. How came you to take *Freeman* with you?

Daun. Because I take him along with me now and then to write down whatever I desire him.

Q. How often have you taken him with you on such Occasions?

Daun. I never took him out very often, maybe about 5 or 6 Times; but I am not sure, may be more or less for what I know.

Q. What Time did you begin to take your Estimate?

Daun. About half an Hour after Four. We began above, and then came over the Kitchen. There is a Place where all the Painting is gone. We went next into the Yard; there the Timber is decayed; there was a Sort of a Cistern, and leaded Place for bathing, it might hold two Barrels of Water; it wanted a Roof to it, and to be tyed in. These Defects *Freeman* set down; when I had looked at Things, and guessed, then I ordered him to set down so much Money.

Q. What else was wanting in the Yard?

Daun

Daun. The two Front Walls must be shoared and needled; I am sure none of you know what that is. In the Cellar there wanted some Shoaring to be done. The Tyling was pretty good; I got upon the House to see it. *Freeman* was then below. There was a great deal of Painting on Plaister in the Stair-Case.

Q. Did *Freeman* put down the Estimate of that?

Daun. I asked him what them Faces might cost to put them in Repair again? He said they might cost 30, or 40, or 50*l.* for what he knew, for he was no competent Judge.

Q. Was *Freeman* always with you while taking this Estimate?

Daun. No, Sir; he was sometimes from me for half an Hour together.

Q. Did you make any use of Candle?

Daun. Yes; we used two Penny Candles.

Q. Where did you get them?

Daun. I myself went and bought them at a Shop near the India-House.

Q. Did you finish?

Daun. No, Sir; after Mr. *Brooks* called me down, we did not do any more then, nor afterwards.

Q. How many Rooms were there in this House?

Daun. Three Rooms on a Floor, two Stories high.

Q. Who gave you Notice you was to go down?

Daun. Mr. *Brooks* called me; he did not go up. *Freeman* was above, I believe. I gave the Lady away.

Q. What became of the Paper *Freeman* wrote?

Daun. I kept it in my Pocket as waste Paper, and it is lost. I never made use of it afterwards.

It was a Sheet of Paper doubled, and more than one Side of it wrote.

Q. How long might you be working by Candle?

Daun. About three Quarters of an Hour.

Q. Did Freeman put down what he thought the Painting might cost repairing?

Daun. I believe he did; though I don't know how many Articles there were in the Paper.

Q. Was there any Thing put down besides shoaring the Wall?

Daun. There was, as nigh as I could guess, what the Timber-work would come to, and making good the Painting over the Kitchen. There was a great deal to be done in the Yard, more than any two men were capable of doing in one Day. There was also some Wall to be mended. The Wall was about 18 Feet high. The Sashes were also to be made good, and Glazing, and fresh-hung, and such Things.

Q. What did your Estimate amount to?

Daun. It came to 300 £. and upwards.

Mr. Hammond. I had Notice from Brooks that his Bail was ready. I attended in order to take that Bail; and, I think, the last Witness was one that offered himself as one. I asked him where he lived, and what trade he was. He ran on, and said they were married. Says I, you come to be Bail, but, since you talk so much of the Marriage, how do you know they are married? Said he, I was there. Said I, was you there the Time the Ceremony was performed? What did you see in relation to that? Said he, I cannot positively speak as to that; for I never was above six Minutes together in the Room with them during the Ceremony. (This I declare upon Oath.) Said I to this Woman, do you know this Man? (meaning *Daun.*) No, says she, I do not remember I ever saw

aw him before. He said, I used him ill; I did intend to have used him worse; for, could I have found she had had any Jealousy of his being present in that uninhabited House with *Brooks*, I would have committed him. And this I have to observe to you, he never said a Word of *Brooks*, or of their going to *Chick-Lane*. As he told me, he was in the Room but some Time of the Ceremony, &c. asked him what Words he heard in the Marriage-Ceremony? He did utter two or three Words ver, which were quite inconsistent, and closed it with, he was not above six Minutes together in the Room at the Time. He then positively said to me, This Mrs. *Redding* was the Woman, though he will not now swear to her.

Council for the Prosecutrix. These two Witnesses are neither of them able to speak positively to the Woman; I guess that may arise from the Fear of an Indictment for Perjury. *Daun* tells us, he himself was the Person that gave the Woman away. I would leave it to the Judgment of any Person, whether they could believe, that a Man should interfere, to be so near, and on such an Occasion, and yet never to have the Curiosity to look in the Woman's Face. Another Thing, as to their going to *Chick-Lane*, to see them bedded, they both tell you they were put under a Quilt; yet neither of them will swear to the Woman.

The Recorder summed up the Evidence; after which the Jury went out, and returned in about eight Minutes, and brought in the following Verdict; viz.

Brooks was found guilty of the Assault and false Imprisonment; and was sentenced to pay 13 s. and 4 d. to be confined in *Newgate* for the Space of 12 Months,

Months, and then to be bound in a Bond of 100*l.*
and two sufficient Sureties in a Bond of 50*l.* each
for his good Behaviour for two Years to come.
The other acquitted.

Tapner, Cobby, &c. Smugglers, for the
Murder of Chater and Galley, January,
1748-9.

THE Proceedings on the Special Commission
of Oyer and Terminer, and Gaol-Delivery,
for the County of Sussex, held at Chichester, on the
16th and 17th of January, 1748-9.

The Grand Jury being sworn, Mr. Justice Foster spoke to them as follows.

' Gentlemen of the Grand Inquest,
' It must certainly give Satisfaction to every
' Man, who has a due Concern for the Peace of
' the Kingdom, and the Honour of his Majesty's
' Government, to see so numerous an Appearance
' of Persons of great Rank and Fortune attend-
' ing the present Service; for without a vigorous,
' steady, and impartial Administration of Justice,
' the Ends of Government will be totally defeated.
' And what are the Ends of Government?
' They undoubtedly are the Welfare of the whole
' Community, and the Happiness of every single
' Man in it; as far as the Happiness of Individuals
' is consistent with the Welfare of the whole.
' These are the great Ends of Government: And
' it is very certain they cannot be obtained without
' the due Execution of the Law upon Offenders of
' all Kinds. And it is no inconsiderable Instance of
' the Wisdom of our Law, that the Opportunities

of bringing Offenders to Justice, are as frequent as the Nature of the Case, in the ordinary Course of Things, seems to require. Justice is, as it were, brought home to every Man's Door twice in the Year, at the stated Returns of the Circuit. By this Measure, two wise and salutary Purposes are served at once. The Prosecution is ordinarily commenced and finished while Things are recent, while Facts and Circumstances are fresh in Memory, and while Witnesses may be presumed to be under a proper Impression. And, on the other hand, the Person who is the Object of Prosecution, hath an early Opportunity given to him of clearing up his Innocence, if it shall happen to be his Case.

' It were to be wished, that these stated Seasons had been at all Times found sufficient to satisfy the Demands of public Justice; but the History of former Times informs us that they have not; and our own Experience convinces us, that they are not at present sufficient for that Purpose. For what has been the Case of this, and some of the neighbouring Counties for many, too many Years past? Dangerous Confederacies have been formed for very unwarrantable, very wicked Purposes; for robbing the Public of that Revenue which is absolutely necessary to its Support, and for defeating the fair Trader of his just Expectations of Profit. These, to mention no more, are the necessary, unavoidable Consequences of this Practice, which now goes under the general Name of Smuggling. And however Persons may palliate the Matter to themselves, or others, I wish every Man, who hath been directly or indirectly concerned in this Practice, would lay his Hand on his Heart, and seriously put this Question to himself, Where lies the real Difference (*in Foro Conscientiae*) between this Sort of Robbery,

and

and the Crime that usually goes under that De nomination?

But this is not all: This wicked Practice has been supported by an armed Force; by Numbers of dissolute People assembled together, and acting in open Day-light, in Defiance of all the Law, and all the Justice of their Country, and the Terror of his Majesty's Subjects. And the Mischief has not ended here: In some late Instances, deliberate Murders, attended with Circumstances of great Aggravation, have been committed in consequence, as 'tis to be feared, these Combinations.

These Things loudly call for the Animadversion of the Public. They have been humbly presented to his Majesty; and his Majesty, out of his Royal Concern for the Welfare of his People (the ruling Principle which guides and animates his whole Conduct) hath been pleased to entrust us with his Special Commissions of Oyer and Taminer, and Gaol-Delivery for this County.

Our Commissions do not extend to all the Crimes which are cognizable under the general Commissions, which are executed in the Circuit. They are confined to the Offences of Murder, Manslaughter, and other Felonies; and to the Accessories to these Offences: But, as far as they do extend, they are just of the same Nature, the Circuit Commission. The same Law, the same Method of Trial, and the same Rules of Evidence, are to take place in these, as they do in those.

Gentlemen, I shall have no Occasion to enter into the several Distinctions between Murder and what we commonly call Manslaughter; because those Distinctions are grounded on Circumstances which possibly may have no Place in your present Enquiry.

It is sufficient to say, that wherever it appears that the Fact was committed with any Degree of Deliberation, especially where it is attended with Circumstances of Cruelty, the usual Distinctions between Murder and Manslaughter can never take place. The Fact is, in the Eye of the Law, wilful Murder or Malice prepense. And it involves every Person concerned, as well those who are barely present, aiding and abetting, as those who actually commit the Fact, in the same Degree of Guilt. For, where Numbers of People agree in any felonious Design, either for Murder, Robbery, or any other Felony, every Person so engaged, and present, aiding andabetting the Fact, is considered as a Principal in the Felony. And the Reason the Law goes upon this, that the Presence of every one of the Accomplices, gives Countenance, Encouragement, and Security to all the rest. And consequently the Fact is considered, in the Eye of the Law, and of sound Reason too, as the Act of the whole Body, though it be perpetrated, perhaps, by the Hand of one. He is considered as the Instrument by which the others act.

And when we say, that the Presence of a Person at the Commission of a Felony, will involve him in the Guilt of the rest, we must not confine ourselves to a strict, actual Presence, such a Presence as would make him an Eye or an Ear Witness of what passes. For an Accomplice may be involved in the Guilt of the rest, though he may be so far distant from the Scene of Action, as to be utterly out of Sight or Hearing of what passes. For Instance, if several Persons agree to commit Murder, or other Felony, and each Man takes his Part; some are appointed to commit the Fact, others to watch at a Distance to prevent a Surprise, or to favour the Escape

' of

• of those who are more immediately engaged; • Law says, that if the Felony be committed, • is the Act of all of them; for each Man op- • rated in his Station towards the Commission • it, at one and the same Instant.

• And so much doth the Law abhor Combi- • nations of this Kind, especially where inno- • Blood is shed, that a Man may, in Judgme- • of Law, be involved in the Guilt of Murde- • when possibly his Heart abhorred the Thought • of it. For if Numbers of People assemble in Pro- • secution of any unlawful Design, with a Reso- • lution to stand by each other against all Oppo- • sers, and a Murder is committed by one of the • Party in Prosecution of that Design, every Man • so engaged at the Time, is, in the Eye of the • Law, equally guilty with him that gave the • Stroke. Many Cases might be put which come • under this Rule. I will confine myself to a few • which the present Solemnity naturally suggests. • For Instance; Numbers of People assemble • for the Purpose of running uncustomed Goods • or for any of the Purposes which now go under • the general Term of Smuggling, with a Reso- • lution to resist all Opposers, (and the riding with • Fire-arms, or other offensive Weapons, is cer- • tainly an Evidence of that Resolution) Numbers • of People, I say, assemble in this Manner, and • for this Purpose. They are met by the Offi- • cers of the Revenue: One of the Party, in Pro- • secution of this unlawful Design, fires on a King's Officer, and kills him, or any of his Assis- • tants: The whole Party is, in the Eye of the • Law, guilty of Murder, though their Original • Intention went no farther than Smuggling. For • that Intention being unlawful, the killing in Pro- • secution of that Intention, is Murder; and even • Man engaged in it partakes of the Guilt.

Act of one, in Prosecution of their common Engagement, is considered as the Act of all I will go one Step further ; the Party assembled in the Manner, and for the Purposes I have mentioned, is met by the King's Officers, and an Affray happens between these. During the Affray, one of the Party fires at the King's Officers, but misses his Aim and kills one of his own party, perhaps his nearest Relation and Bosom-friend, (if People of that Character are capable of Friendship) this is Murder in him, and in the whole Party too. For if a Man, upon Malice against another, strikes at him, and by Accident kills a third Person, the Law, as it were, transfers the Circumstance of Murder from him that was aimed at, to him that received the Blow and died by it. And consequently, in the Case I have just put, the Person who discharged the Gun being guilty of Murder, all his Accomplices are involved in his Guilt ; because the Gun was discharged in Prosecution of their common Engagement, and it is therefore considered as the Act of the whole Party.

What I have hitherto said, regards those who are present in the Sense I have mentioned, and putting the Fact at the Time of the Commission of it ; but there are others who may be involved in the same Guilt, I mean the Accessaries before the Fact. These are all People, who, by Advice, Persuasion, or any other Means, procure the Fact to be done, but cannot be said, in any sense, to be present at the actual Perpetration of it. These Persons are involved in the Guilt, and liable in the Case of wilful Murder, to the same Punishment as the principal Offenders are.

I am very sensible, *Gentlemen*, that I have been something longer than I needed to have been, if I had spoken barely for your Information;

tion; but, in this Place, and upon this Occasion
I thought it not improper to enlarge upon some
Points, that People may see, and consider
Time, the infinite Hazard they run by engaging
in the wicked Combinations I have mentioned
and how suddenly and fatally they may, being
so engaged, be involved in the Guilt of Murder
itself, while perhaps their principal View might
fall very short of that Crime.'

After which, the Bills being delivered to the Grand Jury, the Court adjourned to Tuesday, January 17.

The Grand Jury returned the Bills found in Court; upon which Benjamin Tapner, John Cobley, John Hammond, William Jackson, Richard Mills the elder, Richard Mills the younger, and William Carter, were set to the Bar, and arraigned upon an Indictment for the Murder of Daniel Chattope, the three first named as Principals, and the four last as Accessories before the Fact.

William Jackson and William Carter were also arraigned upon another Indictment, as Principals in the Murder of William Galley. To both which Indictments they all pleaded *Not Guilty*.

Mr. Justice Foster, before the Jury was sworn, acquainted the Prisoners, they might each of them challenge twenty of the Pannel, without shewing Cause; but if they challenge more, they must shew a reasonable Cause for so doing; and that if they agreed to join in their Challenges, they might be tried all together; but if they did not, they would be tried separately, and left them to act in that Behalf, as they should see proper.

The Prisoners having consulted among themselves, agreed to join and be tried together. And then the Jury being sworn, and charged by the Clerk

erk of the Arraigns, Mr. Steele, Council for the Crown, opened the Indictment against the seven Prisoners, for the Murder of *Daniel Chater*; after which Mr. Banks, another of the King's Council, set forth and enlarged upon the several Particulars of the Indictment; which, as they will appear in the Course of the Evidence, we shall not foretell the Reader's Curiosity by giving them here, but proceed to the Facts as stated, declared, and sworn to, by the Witnesses, in Manner following.

Mr. Milner, Collector of the Customs at the Port of Poole, deposed, That about the 7th of October, 1747, he had Advice that the Custom-House at Poole was broke open; upon which he hastened thither, and found the outer Door burst open, and the other Door broke in Pieces, and all the Tea carried away, except a little Bag, containing about 5 Pounds.

Mr. Sheerer, Collector of the Customs at Southampton, deposed, That in February last he received Letter from the Commissioners of the Customs, acquainting him, that one *John Dimar* was committed to Chichester Jail, for breaking open the Custom-House at Poole, with Directions to send the Deceased *Daniel Chater*, who could give some Information against *Dimar*, to Mr. Battine the Surveyor-General, and to acquaint Mr. Battine with the Occasion of his sending *Chater*; that he accordingly sent *Chater* with a Letter addressed to Mr. Battine, under the Care of one *William Galley*, aidesman in the Port of Southampton; that they set out on Sunday Morning the 14th of February; he could not take upon him to say how *Chater* was dressed, but he remembered he rode upon a dark-brown Horse, and had a Great-Coat on, with another Coat under it, and upon the under Coat a Belt; he could not recollect how *Galley* was

dressed, but remembered he was mounted upon grey Horse.

William Galley, the Son of *William Galley*, deposed. That he remembered his Father's setting out upon this Journey to Mr. *Battine*, in February last; that he saw the Letter to Mr. *Battine* the Night before his Father set out, and saw the Directions; he remembered the Dress his Father had on; it was a blue Great-Coat, with Brass Buttons covered with blue, a close-bodied Coat, of a light brown Colour, lined with blue, with a Waistcoat and Breeches of the same, and that he rode on grey Horse; he remembered that *Daniel Chater* set out at the same Time with his Father, and had on a light Surtout Coat, with red Breeches, and Belt round him, and rode upon a brown Horse; that this was the last Time he saw his Father alive, and that he never saw *Chater* since.

Edward Holton deposed, That on the 14th February last, he saw *Daniel Chater*, and another Person whom he took to be *Galley*, at his own House at *Havant*, in the County of *Hants*; he knew *Chater* very well, and had some Conversation with him; that *Chater* told him he was going to *Chichester* upon a little Business, and brought in a Letter which was directed to *William Battine*, Esq; *East-Marden*, upon which he (the Witness) told him, he was going out of his Way; that *Galley* wished he would direct him the Way; that he directed them to go through *Stanstead*, near *Roland's Castle*; and that they said they should be back again the next Day.

George Austen deposed, That on Sunday the 14th of February last, he saw two Men, one mounted upon a brown Horse, and the other upon a grey, at the New Inn at *Leigh*, at the Parish of *Havant*; that they came to the New Inn when he was there, and enquired the way to *East-Marden*; to which

lace he was going to direct them, when one of
the Men, who had a blue Coat on, pulled a Letter
out of his Pocket, which he (the Witness) looked
, and seeing it was directed to *East-Marden*, he
ld them they were going ten Miles out of their
Way ; that he and his Brother *Thomas Austin*, and
s Brother-in-Law *Robert Jenkes* were going Part
their Road, and would conduct them the best
Way they could ; that they went no farther toge-
er than to a Place called *Rowland's Castle*, to a
ublic House which was kept by the Widow *Paine* ;
the two Strangers called for Rum there. This was
out the Middle of the Day. That the Widow
Paine asked him if he knew these Men, or whe-
er they belonged to his Company ; he told her
ey were going to *Mr. Battine's*, and that he was
ing to shew them the Way ; she then said, she
ought they were going to do harm to the Smug-
lers, and desired him to set them out of their Way,
which he refused to do ; she then seemed uneasy,
and she and her Son consulted together. That
Son went out, and in a little Time the Pri-
oner *Jackson* came in ; that the Prisoner *Carter*
several more came there soon afterwards. He
saw none but *Jackson* and *Carter*. That *Jackson*
quired where the two Men were bound for ; and
Man in the light-coloured Coat answered, they
re going to *Mr. Battine's*, and from thence to
Richester ; but *Carter* was not by at that Time.
at the two Strangers had some Rum, and *Jack-*
called for a Mug of Hot, which was Gin and
water mixed, or something of that Kind, and, to
the best of his Knowledge, they all drank toge-
her ; he did not see any ill Treatment, nor either
of the Men bloody while he was there ; that he
sat away between One and Two, and left the
Men there ; the Widow *Paine* called him out
Doors, and told him his Brother *Jenkes* wanted

to speak with him ; when he came out his Horse was at the Hedge by the Back-door, and his Brother said, he wondered why the two Men did not go away ; upon which he went back again into the House, and his Brother was uneasy because he did so. That the Widow *Paine* advised him to go home, and said, the two Men would be directed their Way ; he was uneasy at going without them because he saw so many Men come in, and imagined they had a Design to do some Harm to them. That when he went away, *Jackson* and *Carter* were left with the two Men, to the best of his Knowledge ; and *Jackson*, as well as the Widow *Paine*, persuaded him to go home. He was positive that *Jackson* and *Carter* were there, for he knew them very well.

The Court asked *Jackson* and *Carter*, if they would ask the Witness any Questions ? They both answered in the Negative.

Thomas Austen deposed, That he was at the New Inn at *Leigh*, on *Valentine's Day* last, with his Brother *George* ; he saw two men there who enquired the Way to Mr. *Battine's* ; he went from thence with them to *Rowland's Castle* ; they went to the Widow *Paine's* at that Place, and called for a Dram of Rum ; the Prisoners were not there first, but in a little Time *Jackson* came, and soon afterward the Prisoner *Carter*. That the Widow *Paine* spoke to him at the outer Door before either of the Prisoners came, and asked him if he knew the two Men, and said, she was afraid they were come to do the Smugglers some Mischief, and that she would send for *William Jackson* ; her Son was for him, and he soon came, and another little Man and his Servant. He saw one *Joseph South* there, and the Prisoner *Carter*, but *Carter* did not come so soon as *Jackson* ; he (the Witness) staid there till 7 o'Clock in the Evening, and about the

Time

Time Jackson struck one of the Men in the Face, who, to the best of his Remembrance, had a blue Coat on ; they all drank pretty freely from One Clock, and he was drunk, and went to sleep, and the two Men were fuddled, and went to sleep in the little Room ; that about 7 o'Clock Jackson went into the little Room and wakened the two Men, and when they came out of the Room it was that Jackson struck one of them ; after they came out, the two Men went away with Jackson and Carter, and one William Steele and Edmund Richards ; he did not remember they were forced away, and did not see them upon the Horses, nor did he ever see them any more : This was between 7 and 8 o'Clock.

Being asked, whether he saw either of the Men produce a Deputation, or he heard any high Words, said, he did not ; that he was asleep the best Part of the Afternoon, and did not see any ill Treatment but that one Blow which he had mentioned, and did not observe any Blood about them when they went away.

Being cross-examined, said, He did not know who the two Strangers were, but they were the same Persons his Brother George spoke of, and had a Letter for Mr. Battine ; that one of them had a blue Coat on, and rode upon a grey Horse, and the other Man rode upon a brownish Horse ; he did not see the Direction of the Letter, but he heard it read by Robert Jenkes.

Robert Jenkes deposed, That he saw two Men on the 14th of February last, one of them upon a blackish Horse, the other upon a grey, and dressed in riding Coats ; they were the same Men that George and Thomas Austen spoke of ; they went together to Rowland's Castle, and got there about 6 o'Clock, or somewhat after, and went into a house there which was kept by the Widow Paine ;

he did not hear her give Directions to send for any Body, but the Prisoners *Jackson* and *Carter* soon came thither; he staid there about an Hour and an Half, and whilst he was there he did not see any Abuse, or observe that either of the Men was bloody; he had no Conversation with *Jackson*, further than that *Jackson* said, he would see the Letter which was going to Major *Battine*, and *Carter* he believes, might say so too; when he wanted to go away, *Jackson* would not suffer him to go through the Room where the two Men were; that *Jackson* told him, if he had a Mind to go he might go through the Garden to the back Part of the House; he did so, and found his Horse there, and went away: But could not say why *Jackson* refused to let him go through the Room, but believed it was for Fear the two Men should go away with him that he did not order his Horse to be led round the Garden himself; that *George Austen* and he went away together upon his Horse, and that *Jackson* would see the Letter one of the Men had in his Pocket; and the Witness saw the Direction of it which was to *William Battine*, Esq; at *East Marden*.

Being cross examined by the Prisoner *Carter* Whether *Carter* said he would see the Letter, answered, That both *Carter* and *Jackson* said so; and that *Carter* did say, he would see the Letter that was going to Mr. *Battine*; that he (the Witness) did not order his Horse to be carried to the back Part of the House; and that *Carter* was by when he was told by *Jackson*, that if he had a mind to go, his Horse should be led to the back Part of the House.

Joseph Southern deposed, That on Sunday the 14th of February last, he saw *Jenkes*, the two *Austens*, and two other Men on the Road, coming from *Havant* towards *Rowland's Castle*; one of them

had a blue Coat on, and rode a grey Horse; that he went to *Rowland's Castle* himself that Day, and saw *Jenks, Austen*, and the same two Men sitting on Horseback, drinking at the Widow *Paine's* Door; he staid there best Part of an Hour, and saw them and several other Persons in the House; that he saw the Prisoners *Jackson* and *Carter* in the House while he staid there; he sat down and drank a Pint of Beer by the Kitchen fire, but the other Persons were in another Room; that he saw the two Men go out to the Door and come in again, and one of them had an Handkerchief over his Eye, and there was Blood upon it; that he met this Man as he was going in and heard him say to *Jackson*, *I am the King's Officer, and I will take notice of you that struck me.* That *Carter* was not present when this was said, but was in the House; the Man who spoke thus to *Jackson* had a Parchment in his Hand, and heard him say, he was going to Mr. *Battine* with it; that he (the Witness) went away between 3 and 3 o'Clock, and did not know what became of the Letter, nor had he heard *Jackson* or *Carter* say what became of it.

The Prisoners *Jackson* and *Carter* said, they could not ask him any Questions.

William Garret swore, he was at the Widow *Paine's* the 14th of February last, about 4 o'Clock in the Afternoon, and saw the two Prisoners *Jackson* and *Carter*, and two Strangers there; that one of them, who had a blue coat on, had received a stroke upon his Cheek, and the Blood run down; that just as he came in, this Man was standing up by the Back of a Chair, and *Jackson* stood by him, and he heard *Jackson* say, *That for a quartern of Gin he would serve him so again;* by which the Witness understood that *Jackson* had struck him before; he did not hear the Man say he was the King's Officer, but he heard *Jackson* say,

say, *You a King's Officer! I'll make you a King's Officer, and that you shall know.* That when he went away he left them all there.

The Prisoners would not ask him any Questions.

William Lamb deposed, That he went to the Widow Paine's at Rowland's Castle, on the 14th of February last, about 4 in the Afternoon, and found Jackson and Carter there; that before he went he saw one of the Widow Paine's Sons call Carter aside, at his House at West-Bourne; that there were several other People there in another Room, amongst whom were Thomas Austen, and two Men that were Strangers to him, one of whom had on a blue Gaberdine; the two Men, he understood, were going with a Letter to Mr. Battine; he saw no ill Treatment during the little Time he staid there; that Edmund Richards, one of the Company, pulled out a Pistol, and said, *That whoever should discover any thing that passed at this House, he would blow his Brains out.* Jackson and Carter were not in the Room when these Words were spoken, as he believes. He saw the Man in the blue Gaberdine pull a Parchment out of his Pocket, and heard him tell the People he was the King's Officer; his Wig was then off, and there was Blood upon his Cheek; that he saw a Letter which he understood to be going to Mr. Battine; one Kelley, and the Prisoner Carter had it in their Hands, but he did not know how they came by it; he did not see the Direction of the Letter; he observed it was broke open when he saw it in the Hands of Carter and Kelley; and he understood, by the Discourse of the Company, that it was a Letter which the two Strangers were to carry to Mr. Battine; but he never heard it read.

The Prisoners would not ask him any Question.
Richard Kent deposed, That he was at the Wi-

de

dow Paine's on the 14th of February last; and that Edmund Richards told him, that if he spoke a Word of what he had seen or heard there, he would shoot him through the Body; but Jackson and Carter were not in the Room when Richards said this.

George Peate deposed, That he was at Rowland's Castle on Sunday the 14th of February last, about 7 o'Clock in the Evening, or after, and saw nine Men there, and that the Prisoners Jackson and Carter were two of them; he staid there about half an Hour; and as soon as he came in, he saw four or five Men with great Coats and Boots on, most of them upon their Legs, as if they were just going; he went and warmed himself by the Kitchen Fire, and sat down by Thomas Austen, who was then asleep; he called for a Pint of Beer, and soon after heard the Stroke of a Whip, repeated three or four Times, in a little Room that was at the Corner of the Kitchen, but did not see who gave the Blows, or who received them; that he afterwards heard a strange rustling of People, more than before, and saw seven or eight Men come into the Kitchen; that he knew the Prisoners Jackson and Carter, and William Steele, and two that went by the Names of Sam and Harry; there were two other Persons there, whom, to his Knowledge, he had never seen before or since, and could give no Account of them, nor did he observe how they were dressed; that soon after, he thought he heard a Blow, and he saw Jackson in a moving Posture, as if he had just given a Blow, and was drawing up his Arm in a proper Form, as if he was going to give another; but William Paine stepped up, and called him Fool and Blockhead for so doing; upon which he sunk his Arm, and did not behave in the like Manner any more in his Sight; that just as they were going out of Doors, Jackson

turned round, with a Pistol in his Hand, and asked for a Belt, Strap, or String, but no Body gave him either, and he put his Pistol in his Great-Coat Pocket, and went away with the rest; that by the Trampling of Horses, he supposed they all went on Horseback, but which Way he knew not; it was between 7 and 8 o'Clock, as nigh as he could guess, when they went off; he did not hear any Conversation about one of the Strangers being the King's Officer, nor did he see the Blow given, nor the other Person to whom the other Blow was going to be given.

The Prisoners would not ask him any Questions.

John Raiss deposed, That on Sunday the 14th of February, he was at Rowland's Castle between 12 and 1 o'Clock at Noon; that when he came there he found *Edmund Richards*, *William Steele*, the Prisoners *Carter* and *Jackson*, and *Little Sam*, *Richard Kelley*, and *Jackson's* Wife, and *Galley* and *Chater*; he saw *Jackson* take *Chater* to the Door, and heard him ask him, if he knew any thing of *Dimar*; and *Chater* answered, he did; and was obliged to go and speak against him: That *Galley* then went out to keep *Chater* from talking to *Jackson*; whereupon *Jackson* knocked *Galley* down with his Fist; that *Galley* came in again, and soon after *Jackson* and *Carter*. When they were all come in, he (the Witness) with the Prisoners *Jackson* and *Carter*, and *Edmund Richards*, went into the back Room; that there they enquired of *Jackson* what he had got out of the Shoemaker, (meaning *Chater*;) that *Jackson* informed them, that *Chater* said he knew *Dimar*, and was obliged to come in as a Witness against him; that then they consulted what to do with them (*Chater* and *Galley*) this was about 3 o'Clock in the Afternoon: They first proposed to carry them to some secure Place, where they might be taken care of, till they had

had an Opportunity of carrying them over to France; that when this Proposition was made, the Prisoners Jackson and Carter, and Richards and himself were present; this Resolution was taken to send them out of the Way, that Chater should not appear against Dimar; and afterwards it was agreed to fetch a Horse and carry them away: That Galley and Chater appeared very uneasy, and wanted to be gone; and thereupon Jackson's Wife, to pacify them, told them that she lived at Major Battine's, and her Horse was gone for, and as soon as it came she would shew them the Way to Mr. Battine's; so he (the Witness) then went to Chichester, and saw no more of them that Night.

Being cross-examined, said, At this Consultation there was nothing mentioned but the securing them, in order to carry them to France.

[This Witness having gone thus far in his Evidence, was set by for the present; the Council for the Crown declaring that they would call him again, to give an Account of what passed on the 17th, after they had examined the next Witness.]

William Steele deposed, That he was at the Widow Paine's on Sunday the 14th of February, that the Prisoner Jackson, Little Sam, one Kelley, and two Men more, and Jackson's Wife, were there when he came, which was about 2 o'Clock in the afternoon, and soon afterwards Little Harry, the Prisoner Carter, Edmund Richards, John Raiss, and Carter's Wife, came thither; he did not know how Jackson and Carter came to be there; but the Widow Paine's Son came and called him (the Witness) out, and said, he must go to Castle, for there were two Men come to swear against the shepherd, meaning Dimar; that when he came in,

they were in general sober, as far as he saw, but they sat drinking together about two Hours; that *Jackson* took *Chater* out of the House to examine him about *Dimar*; and after they had been out some Time, *Galley* went out to them, but soon returned, and said, *Jackson* had knocked him down. The Witness saw he was bloody all down the left Cheek; that *Jackson* was not in the Room when *Galley* came in, but came in with *Carter* a little afterwards; that then *Galley*, addressing himself to *Jackson*, said, he did not know any Occasion he had to use him in that Manner, and that he should remember it, and took down his Name in *Jackson's* Presence. *Galley* likewise said he was an Officer, and shewed his Deputation to the People that went into the Room. The Company continued drinking till *Galley* and *Chater* were quite fuddled, and went into a little inner Room to sleep; this was about 4 or 5 o'Clock, and they continued in the little Room two or three Hours sleeping the rest of the Company sat drinking all the while consulting what to do with *Galley* and *Chater*. The Prisoners *Jackson* and *Carter*, and Little Sam, Little Harry, Richards, and the Witness, were at the Consultation. It was proposed to put them (*Galley* and *Chater*) out of the Way, because they should not appear against the Shepherd, meaning *Dimar*, and it was proposed to throw them into the Well in the Horse-Pasture, about half a Mile from *Rowland's-Castle*; but it was thought more convenient to put them into a Well so near, for Fear of a Discovery. It was then proposed to join, and each Man to allow them 3 d. a Week, and keep them in some secret Place, till they should know what became of *Dimar*; and as *Dimar* was served so these two People (*Chater* and *Galley*) were to be served. This was talked of while *Galley* and *Carter* were asleep; and there was no other Proposition

made as he heard. But while they were talking these Things, the Wives of *Carter* and *Jackson* said, it was no Matter what became of them (*Galley* and *Chater*) or what was done to them ; they ought to be hanged, for they were come to ruin them, meaning the Smugglers. That about 7 o'Clock *Carter* and *Jackson* went into the Room, and waked *Galley* and *Chater*, and brought them out of the Room, very bloody and very drunk ; he did not see what passed in the Room, but was sure they did not go in so bloody ; and he believed *Jackson* and *Carter* had kicked and spurred them ; they set *Galley* the Officer on a brown or black Horse, and *Chater* up behind him ; *Jackson*, *Carter*, and *Richards* put them on Horseback, and tied their Legs under the Horse's Belly, and also tied their Legs together ; they then tied a Line to the Bridle, and he (the Witness) got upon a grey Horse and led them along ; that just after they turned the Corner, about 20 or 30 Yards from the House, *Jackson* cried out, 'Whip them ; lick the Dogs ; cut them.' It was then dark, and the Company whipped and flogged them with their Horsewhips, some on one side, and some on the other, with great Violence on the Face and Head, and other Parts of the Body, and continued to do so while they rode about half a Mile, to a Place called *Wood-Ashes* ; there they alighted ; and *Little Sam* gave all the Company a Dram or two, but none to *Galley* and *Chater* ; that as soon as they were mounted again, *Jackson* and *Carter* cried out, 'Damn 'em, lick 'em ; whip 'em ;' and they were whipped as before for about a Mile further, and then they fell down under the Horse's Belly, with their Heads upon the Ground, and their Legs over the Saddle ; they were immediately set up again, and their Legs tied together in the same Posture, and the Company went on whipping them as before, till they

came to a Place called *Goodthrough-Dean*, which was about half a Mile farther. They were beat very much, and, in the Judgment of the Witnes, it was almost impossible they should sit their Horses. When they came to *Dean*, somebody of the Company pulled out a Pistol, and said he would shoot them (*Galley* and *Chater*) through the Head if they made any Noise whilst they went through the Village; he could not tell who it was that threatened to shoot them, but apprehends it was done for Fear the People of the Village should hear them. They went on but a Foot-pace; and after they were gone through *Dean*, they were whipped again as before; and when they came near a Place called *Idsworth*, they fell down again under the Horse's Belly, and then some of the Company loosed them, and set up the Officer (*Galley*) behind him, (the Witness and *Chater* behind *Little Sam*); and in this Manner they proceeded towards *Lady Holtpark*, which is near three Miles from *Idsworth*, whipping *Galley* and *Chater* as before; but the Lashes of the Whips falling upon the Witnes, as he sat before *Galley*, he (the Witnes) could not bear the Strokes and therefore they left off whipping *Galley* in that Manner. *Galley* sat upon the Horse till they got to *Lady Holtpark*, and then, being faint and tired with riding, he got down; and *Carter* and *Jackson* took him, one by the Arms and the other by the Legs, and carried him towards a Well by the Side of *Lady Holtpark*; that *Jackson* said to *Carter*, We throw him into the Well; to which *Carter* replied With all my Heart; and *Galley* seemed indifferent what they did with him: But some of the Company saying, it was Pity to throw him into the Well, *Jackson* and *Carter* set him up behind the Witnes again, and *Chater* was still behind *Little Sam*; they went on in this Manner till they came to go down a Hill, when *Galley* was faint and tired, and cou-

not ride any further, and got down there; upon which *Carter* and *Jackson* laid him on a Horse before *Edmund Richards*, with his Belly upon the Pomel of the Saddle; they laid him a-cross the Horse, because he was so bad they could not contrive to carry him in any other Manner, and they carried him so far about a Mile and a Half from the Well; that then *Richards* being tired of holding him, let him down by the Side of the Horse, and *Carter* and *Jackson* put him upon the grey Horse, that he (the Witness) was upon, and the Witness got off; they set him upon his Legs a-cross the saddle, and his Body lay over the Horse's Mane; that in this Posture *Jackson* held him on; he did not remember that any Body else held him at that Time; that they went on for about half a Mile in this Manner, *Galley* crying out vehemently all the Time, *Barbarous Usage! For God's Sake shoot me through the Head, or through the Body.* He (the Witness) thought *Jackson* was pinching him by the Private Parts, for there were no Blows given when he cried out; that *Chater* was still with the Company behind *Little Sam*, and they went on for about two Miles and a half further, the Company holding *Galley* by turns on the Horse, till they came to a dirty Lane; at this Place *Carter* and *Jackson* rode forwards, and bid the rest of the Company stop at the Swing-Gate beyond the Water till they should return. *Jackson* and *Carter* came to them again at the Swing-Gate, and told them, that the Man of the House whither they went was ill, and that they could not go thither; by which he understood they had been in the Neighbourhood to get Entertainment. It was then proposed to go forward, to the House of one *Scardefield*; and *Little Harry* tied *Galley* with a Cord, and got upon Horseback behind him, in order to hold him upon the Horse; and they went on till they came to a gravelly

velly Knap in the Road ; at this Place *Galley* cried out, *I shall fall, I shall fall* ; whereupon Little Harry said, *D——n you, then fall* ; and gave him a Push, and *Galley* fell down, gave a Spirit, and never spoke a Word more ; he (the Witness) believed his Neck was broke by the Fall ; that they put him upon the Horse again, and went away for *Rake*, to the Sign of the *Red Lion*, which was kept by *William Scardefield* ; that *Chater* was behind Little Sam, and was carried to *Scardefield's* House, and was very bloody when he came there ; that *Jackson* and Little Harry went from *Scardefield's* with *Chater* about 3 o'Clock in the Morning ; and *Jackson* afterwards returned to *Scardefield's*, and said he had left *Chater* at old *Mills's* House, and Little Harry to look after him, that he might not escape. This was on Monday the 15th of February, and they remained all that Day at *Scardefield's* House ; that the Prisoner, *Richard Mills* the younger, was there on that Day ; and upon hearing from *Carter* and *Jackson* that they had passed by a Precipice of about 30 Feet deep, when they had *Chater* with them, he said, *If I had been there, I would have called a Council of War on the Spot, and he (Chater) should have gone no further, or to that Effect.* That two or three Days afterwards the Company met at *Scardefield's* again, to consult what to do with *Chater* ; that *John Raiss*, the Prisoners *Carter*, *Jackson*, and *Richard Mills* the younger, Son of the Prisoner *Richard Mills*, *Thomas Willis*, *John Mills*, another Son of old *Mills*, the Prisoners *Tapner*, *Cobby*, and *Hammond*, and *Thomas Stringer*, *Edmund Richards*, and *Daniel Perrier*, and he (the Witness) were there consulting what to do with *Chater* ; and *John Mills* proposed to take him out, load a Gun, and tie a String to the Trigger, and place him (*Chater*) against the Gun, and that all of them should pull the String, to involve every one of them in the same

same Degree of Guilt ; but this Proposal was not agreed to. Then *Jackson* and *Carter* proposed to carry him back to the Well, and to murder him there, which was agreed to by all the Company ; but *Richard Mills* the younger, and *John Mills* said, they could not go with them to the Well because they had no Horses ; and as it was in their (the other Prisoners) Way home, they might do it as well without them ; and so it was concluded to murder *Chater*, and then to throw him into the Well ; that in the Evening they went away from *Rake* to the House of the Prisoner *Richard Mills* the elder, and found *Chater* in a Skillin or Out-house, run up at the back of *Mills*'s House, a Place they put Turf in ; he was chained with an iron Chain about three Yards long, to a Beam that went across the Skillin, about as high as his Head ; that he was bloody about his Head, and had a Cut upon one of his Eyes, but he could see with it ; that the Prisoner, *Richard Mills* the elder, was at home himself, and fetched out Bread and Cheese for them to eat, and gave them Drink, and received them, and made 'em welcome ; that it is a private House, no Inn or Alehouse ; that they all of them went to and again between the House and the Skillin, and that the Prisoner, *Richard Mills* the elder, was at home all the while ; that the Prisoner *Tapner* pulled out a Clasp-Knife, opened it, and swore to *Chater*, that he should be his Butcher, and cut him over both his Eyes, and down his Forehead, so that he bled to a great Degree. He was ordered by some of the Company to say his Prayers, for they were come to kill him, and kill him they would ; that *Tapner* said this, and some of the Company were then in the Skillin, and the rest of them were in the House, but no one interposed to save his Life ; that he (the Witness) was in the Skillin when *Chater* was advised to say his Prayers, and

and was cut, and chained by the Leg at the same time. When they had kept him there as long as they thought fit, somebody of the Company unlocked the Chain, and set him on Horseback, and *John Raiss, Edmund Richards, Little Harry, Little Sam, the Prisoners Jackson, Carter, Thomas Stringer, the Prisoners, Tapner, Cobby, and Hammond, with Little Daniel and the Witness*, set out with him for *Lady Holtpark* to carry him down to the Well ; that when they came to a Place called *Harting, Richards, Little Harry, and Little Sam, went back* ; and when the rest came to the White Gate by *Lady Holtpark, Carter and Jackson left them, but first told them, they must keep along a little further, and they would not miss the Well, it being about 200 Yards further, and that there were some Pales on the right-hand of it, and round the Well*. They went on, found the Well, by the Direction *Carter and Jackson had given them, and carried Chater with them* ; that then *Tapner, Stringer, and Cobby got off their Horses* ; *Tapner pulled a Cord out of his Pocket, and put it about Chater's Neck, and led him towards the Well* ; *Chater seeing two or three Pales down, said he could get through* ; but *Tapner said No, you shall get over* ; and he did so, with the Rope about his Neck ; they then put him into the Well, and hanged him, winding the Rope round the Rails, and his Body hung down in the Mouth of the Well for about a Quarter of an Hour ; and then *Stringer took hold of his Legs to pull him aside, and let his Head fall first into the Well, and Tapner let the Rope go, and down fell the Body into the Well, Head foremost* ; that they staid there some Time, and one of the Company said, he thought he heard him breathe in the Well ; upon which they got a Post or two, and threw them into the Well upon him, and there they left him.

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The Prisoner, *Richard Mills* the elder, said, he never heard any Talk about killing the Man ; that he desired the People would take him away, and if, he would not have him murdered.

Steele, the Witness, being cross-examined, as to this, said, He never heard the Prisoner say, he could not have them murder the Man ; and added, to be sure he must hear them talk of murdering him while they were at his House.

John Raiss, being called again, said, That after he had left the Company at the Widow *Paine's*, on the 14th of *February*, as mentioned in the former Part of his Evidence, he met some of the same company, and others, on the *Wednesday Evening* following, being the 17th, at *Scarfefield's*, at *Rake*; at the Prisoners, *Richard Mills* the younger, *Carter*, *Jackson*, *Tapner*, *Cobby*, and *Hammond*, with *Steele*, *Richards*, *Little Sam*, *Daniel Perrier*, *John Mills*, and *Thomas Willis*, were there ; and it was proposed at that Meeting to murder *Chater*. He could not say who first made the Proposal, but, to the best of his Knowledge, it was either *Carter* or *Jackson*, and it was agreed to by all the Company ; it was not then resolved how it was to be done, but only in general, that he was to be murdered and thrown into a Well ; that they went to the House of the Prisoner, *Richard Mills* the elder, and joined *Little Harry*, who was left there to take care of *Chater*, and found *Chater* chained by the legs, upon some Turf in a Skillin, at the Backside of the House ; that the Prisoner *Richard Mills* the elder, was at home, and ordered his Housekeeper to fetch Bread and Cheese, and some Household Beer, for any of them to eat and drink that would, and believes *Mills* knew they came for *Chater* ; that *Tapner* and *Cobby* were very earnest to go and see *Chater* ; and *Tapner* having his Knife in his Hand, said, *This Knife shall be his Butcher* ; that thereupon

upon the Prisoner, *Richard Mills* the elder, said *Pray, do not murder him here, but carry him somewhere else before you do it*; that old *Mills* said this upon seeing *Tapner* have his Knife in his Hand and hearing him declare it should be his (*Chater's* Butcher); that they then went out into the Skillin and found *Chater* sitting upon some Heath or Turf and *Tapner* ordered him to say his Prayers: While he was repeating the Lord's Prayer, *Tapner* struck him over the Face with his Knife, and *Cobby* stood by, kicking and damning him. This too was while the poor Man was saying the Lord's Prayer. That *Chater* asked them, what was become of *Gally*, and they told him he was murdered, and that they were come to murder him. Upon which *Chater* earnestly begged to live another Day; that *Cobby* asked him his Name, and whether he had not formerly done Harvest-work at *Selsea*? To which he answered, that his Name was *Dan Chater*; that he had harvested at *Selsea*, and then he became acquainted with *Dimar*. *Tapner* and *Cobby* asked him what they had fed him with at *Mills's*, and he said Pease-pottage; that *Little Harry* unlocked the Horse-lock that was on *Chater's* Leg, and *Tapner*, *Cobby*, and *Stringer* brought him out of the Skillin, and set him upon *Tapner's* Mare, in order to carry him to the Well, to there murdered and thrown in, and that all the Company knew, at that Time, what was to be done with him; that they rode about three Miles towards the Well, and sometimes whipt *Chater* with their Horsewhips; and *Tapner* observing that he bled, swore, if he bled his (*Tapner's*) Saddle he would whip him again. When they came to *Harting*, *Carter*, *Jackson*, *Richards*, *Little Sam*, *Little Harry*, and *Steele*, said, *We have done our Parts, and you* (meaning the rest of the Company) *shall do yours*. By which they meant, as he told

, that they had murdered *Galley*, and that the rest should murder *Chater*; and *Richards*, *Little Sam*, and *Little Harry* stopt there, and did not accompany them any further; the rest went on towards the Well; but *Carter* and *Jackson* stopt before they came to it, and told them the Well was little further off, described it, and said they could not miss finding it; that he (the Witness) and *Tapner*, *Cobby*, *Stringer*, *Hammond*, *Perrier*, and *Steele*, came to the Well, got off their Horses, and took *Chater* off his Horse, and either *Tapner* or *Cobby* put Cord round his Neck; that there was a Shord in the Pales about the Well, and he heard *Chater* say, he could get through there, but *Cobby* said, *Damn you, no; you shall not; you shall get over*; that *Tapner* wound the Cord round the Pales, and *Chater* was put into the Mouth of the Well, hung by the Neck for about a Quarter of an Hour, then they loosened the Rope, and tumbled the Body, that it fell Head foremost into the Well. They staid there till some of the Company said, they heard him breathe, and then went to get a Rope at *Lady Holtpark*, to go down into the Well to murder him quite, but met *Carter* and *Jackson* at *Lady Holtpark*, who told them there was a long Ladder; but they could not rear the Ladder, and so got some Posts, and threw them down into the Well.

The Prisoner *Hammond* desired the Witness might be asked, whether, when they were at old *Mills's*, he did not offer to ride away, and make a Discovery, but was prevented by the Company?

Raijs said, He never heard him say any thing about it; but some of the Company did threaten any of the rest who should refuse to go to the Murder of *Chater*.

Ann Pescod depos'd, That two Men came to her Father's on the 15th of February, about One or Two o'Clock in the Morning, and called for *Thomas*

mas Pescod her Father ; that she asked one of them his Name, and he said it was *William Jackson* : Her Father, who was then very ill, said, they might come in if they would ; that *Jackson* did come in and asked if they could not abide in the House some Time ; to which she answered no ; because her Father was ill ; and thereupon *Jackson* turned to the other Man, and said, we cannot think of abiding here, as the Man is so ill, and so they were away. She saw that *Jackson's* Hand was bloody.

William Scardefield deposed, That he kept the *Red Lion* at *Rake*, in the Parish of *Regate*; and that in the Night between the 14th and 15th February last, the Prisoners *Jackson* and *Carter* with *Steele* and *Richards*, came to his House, and called out to him, For God's Sake, get up and let us in ; that he let them in, lighted a Candle, and saw they were bloody. He asked them how they came to be so, and they said, they had had an Engagement with some Officers, and had lost their Goods and some of their Men, they feared, were dead and some were wounded ; that they said they would go and call them that were at the other Publick House ; and while he was gone down into the Cellar, he heard Horses come to the Door, and some of the Men went into the Kitchen, some into the Brewhouse, and some into the Parlour ; that he saw two or three Men in the Brewhouse, and they lay something like a Man before them, by the Brewhouse Door, he heard them say, he was dead ; and some of them calling for Liquor, he carried a Glass of Gin into the Parlour, and saw a Man standing upright, with his Face bloody, and one Eye swelled very much ; that *Richards* was in the Parlour with the Man, and objected to his coming in ; the Prisoners *Carter*, *Jackson*, and three others were then in the Brewhouse, and *Steele* was with them ; after they had drank three Mugs of H

ey got their Horses out, and sent him down for me Brandy and Rum, but when he came up with it all the Company were gone 20 Yards below the House, though several of them came back drink, one or two at a Time; that he did not know what became of the Man he saw standing in the Parlour, but he observed they separated into two Companies; that one of the Company, a tall Man, asked him if he did not know the Place where they laid up some Goods a Year and a Half ago; and the Prisoner *Carter* came back and said, they must have a Lanthorn; that *Richards* fell in a passion, because he refused to go along with them; and upon seeing him coming towards them with a Light, the Company parted; that he saw a Horse stand at a little Distance, and there seemed to him to be a Man lying across the Horse, and two Men holding him on, and he believed the Person he saw lying across the Horse was dead, but he was not nigh enough to see whether he was or not.

That on the *Wednesday* or *Thursday* following, about 12 or 1 at Noon, the Prisoners *Jackson* and *Carter*, and all the rest of the Company, came again to his House; that the Prisoner, *Richard Mills* the younger, and *John Mills* were sent for, and they came.

Edward Sonde proved, That on the 16th or 17th September last, he found the Body of a dead Man in a Well in *Harras-Wood*, within 200 Yards of *Lady Holtpark*, and that there were two Pieces of Timber over the Body; that he went immediately to get the Coroner's Inquest, and when he came back, he saw the Man had Boots on, and there was a Rope about his Neck; that the Well is in *Lady Holtpark*, in the County of *Sussex*.

Mr. Brackstone produced the Boots, and a Belt which were taken off the Body, and given to him by the Coroner.

Mrs. *Chater*, the Widow of *Daniel Chater*, deposed, That her late Husband set out from *Southampton* on the 14th of *February* last, and that she had never seen him since that Time; she looked upon the Belt produced by Mr. *Brackstone* and said, she knew it was the same Belt her Husband had on when he set out from home, by a particular Mark in it; and she believed that the Boots produced were her Husband's likewise.

Mr. *Sone* proved also, That the Horse which *Chater* set out upon was found about a Month afterwards, and delivered to the Owner.

The King's Council rested it here; and the Prisoners were told, that now was their Time to offer what they could in their Defence.

Tapner said, He did not know that they were going to murder the Man; but *Jackson* and *Richards* threatened to kill him if he would not go with them; and he received three or four Cuts from *Hammond* or *Daniel Perrier*, but he did not know which; that *Richards* and another Man tied the Rope; and he denied that he drew a Knife, or cut *Chater* a cross the Face.

The Judge told him, That supposing he was threatened in the Manner he insisted on, yet there could be no legal Defence in the present Case and that, in every possible View of the Case, it was infinitely more eligible to die by the Hands of wicked Men, than to go to his Grave with the Guilt of innocent Blood on his own Head.

Cobby said, He did not know what they were going to do with the Man; that he never touched him, and knew nothing of the Murder.

Hammond said, When he understood what they were going to do, he wanted to go off and make Discovery, but the Company prevented him; and that by the Company, he meant all the Prisoners

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Richard Mills the elder, said, He did not know at they were at, and did not think they would have hurt the Man, and did not know he was gained till after they were gone away.

Richard Mills the younger, said, He knew nothing of the Matter, and never saw either of the men (*Galley* and *Chater*) in his Life; he acknowledged he was at *Scardefield's* House, but said, he knew nothing of the Murder, and denied the charge; that *Scardefield* was the only Witness he had, for he, (*Scardefield*) knew when he came, and how long he staid there.

Jackson said, The Man who said he would be Carter's Butcher, was his Butcher, and nobody else; that he (*Jackson*) was not by when he was ordered, and was not guilty of it.

The Judge cautioned him not to deceive himself; and told him, that with regard to the present charge, that it was not necessary that he should have been present at the Murder; he was not charged with being present, but as an Accessary before the Fact, in advising and procuring the order to be done; and that was the Fact he was called upon to answer.

Carter said, When he went to the Widow *Paine's*, he only thought they were going to carry the Men of the Way till they saw what should become of *Dimar*, and that he never laid Hands upon him; and went along with the Company to prevent Mischief.

Scardefield the Witness was then called, and *Richard Mills* the younger being asked, Whether he would ask him any Questions, only desired he might be asked, what Time he came to his House, how long he staid there; to which he answered, that *Mills* came to his House about half an Hour before One, and staid there about an Hour and a half, and went away on Foot.

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The rest of the Prisoners said they had not any Witnesses.

Upon which Mr. Justice *Foster* opened to the Jury the Nature of the Indictment as before forth; and told them, that whether the Prisoners or any of them were guilty in Manner as there they are severally charged, must be left to the Consideration upon the Evidence that had been laid before them.

That in order to enable them to apply the Evidence to the several Parts of the Charge, it would be proper for him first to acquaint them how the Law determines in Cases of this Nature; that with regard to the Persons charged as Principals, when several Persons agree to commit a Murder, any other Felony, and the Murder or Felony actually committed, every Person present is, in the Eye of the Law, guilty in the same Degree and liable to the same Punishment as he who actually committed the Fact. And the Reason the Law goes upon is this, that the Presence of Accomplices, gives Encouragement, Support, and Protection to the Person who actually commits the Fact, and at the same time contributes to his Security.

That it is not necessary that the Proof of the Fact, in Cases of this Nature, should come up in the precise Form of the Indictment. For if the Indictment charges that A did the Fact, and that B and C were present, aiding and abetting, if it proved that B did the Fact, and that A and C were present, aiding and abetting, they will be all guilty within the Indictment.

The Accessories before the Fact, are those who not being present in any Sense of the Law at the Time the Fact is committed, have advised, otherwise procured the Fact to be done. The Persons, in the Case of wilful Murder, will be

ble to the same Punishment as those who committed the Murder, by their Instigation, Advice, or Procurement.

He then summed up the Evidence very largely, and applied it to the Case of the several Prisoners; and concluded, that if, upon the whole, the Jury should be of opinion that either of the Principals, *Tapner, Cobby, Hammond*, or the others charged as Principals in the Indictment) did strangle the Deceased, and that the Prisoners, *Tapner, Cobby, and Hammond* were present aiding and abetting, they will be within this Indictment.

And if they should be of opinion that the Prisoners, charged as Accessaries before the Fact, did advise, consent to, or procure the Murder, they likewise will be guilty within this Indictment, though they were not present when the Fact was committed.

The Jury, after some little Consideration, gave their Verdict, that *Tapner, Cobby, and Hammond*, were guilty of Murder, as laid in the Indictment.

Richard Mills the elder, Richard Mills the younger, William Jackson and William Carter, guilty, as Accessaries before the Fact.

Wednesday, 18th January, 1748.

William Jackson and William Carter were tried on the other Indictment, on which they had been arraigned the Day before, as Principals in the Murder of *William Galley*, and to which they had pleaded *Not Guilty*.

Mr. Steele opened the Indictment to the Jury, and Mr. Banks the King's Council, enlarged on the Particulars of it.

Mr. Smyth, another of the King's Council, spoke follows: viz. 'I shall only add a Word or two,

‘ to explain to you why these two Men, who were
‘ convicted Yesterday as Accessaries before the Fact
‘ to the Murder of *Chater*, and thereby liable to
‘ suffer Death, should be tried, as Principals, for
‘ the Murder of *Galley*.

‘ The Reasons for it are, in the first place, it
‘ will be necessary to convict them as Principals
‘ for the Murder of *Galley*, otherwise the Acces-
‘ saries to that Murder, either before or after the
‘ Fact, cannot be convicted.

‘ Another Reason is, as the Intention of all Pro-
‘ secutions is, not so much to revenge and punish
‘ what is past, as to deter others from committing
‘ the like Crimes; it may be of Service to the
‘ Public to have every Circumstance of this cru-
‘ el Transaction disclosed, to shew how dangerous
‘ to their Neighbours, to the Country in general
‘ the Persons concerned in Smuggling are, and
‘ how much it concerns every Man to use his ut-
‘ most Endeavours to suppress and bring them to
‘ Justice; and it may have another good Effect
‘ in preventing Persons from engaging in that law-
‘ less Practice, when they see it consequential-
‘ ly engages them in Crimes, which at first they ne-
‘ ver intend; for I believe, if these unhappy Men
‘ had been told, when they first began Smugglin-
‘ g, that the Time would come when they would
‘ coolly bathe their Hands in the Blood of two
‘ innocent Men, (bad as they now are) they would
‘ then have been strucked, and startled at the ve-
‘ lation of it; yet Men are so naturally led
‘ from one Vice to another, that having once tran-
‘ gressed the Laws of their Country, they have
‘ sensibly arrived at such a Height of Wickedness,
‘ as to commit this heinous Crime without the
‘ least Hesitation or Remorse.’ After which the
following Witnesses were called for the Crown.

Mr. Milner, Mr. Sherer, William Galley, and Edward Holton, whose Evidence upon this Trial is to the same Effect as on the last.

Robert Jenkes also proved the same upon this Trial, as he did upon the former, with this Addition: That when they were at the Widow Paine's, Jackson and Carter both said, they would see the latter for Mr. Battine, because they thought the Men were going to swear against the Smugglers; that both Jackson and Carter hindered him from going thro' the Room where the two Men were; and that one of the Men had on a blue Great-Coat.

Joseph Southern, William Lamb, William Garnet, George Poate, deposed as on the former Trial, John Raiss, to the first Part of his Evidence, relating to the Transactions at the Widow Paine's; added, That the Blood ran down from Galley's Head and Face on Jackson's knocking him down; that Galley and Chater were not fuddled when they went away,

William Steele, to his former Evidence, added, that whilst they were at the Widow Paine's, Jackson said, That if any of the Gang went away from them, he would shoot them through the Head, or through the Body, or serve them as bad as the two should be served. That he supposed Jackson meant by this, that he would murder any of their Company, or use any of them as ill as they used Galley and Chater, if they left them; that when the Company left off whipping Galley with their Knaps, and Lashes of their Whips, as mentioned on the former Trial, because the Lashes of their Whips had reached this Witness, they beat him with the End of their Whips, which were very heavy, and one of their Whips was beat all to Pieces; that at Knavelly Knap, where Galley was pushed off the Wall, was in Conduit-Lane, in Rogate Parish; and Little Harry pushed him in the Back and

shoved him down; and that the Prisoners *Jadi* and *Carter*, *Little Sam* and *Richards*, were in Company when he died; that they laid his Body upon a Horse, and one Man held him on one Side and another on the other, and so they led the Horse along; that *Carter* went before to call *Scardefield* up, and when they came there, they laid *Galley's* Body down in the Kitchen at *Scardefield* and carried *Chater* into another Room; that they drank every one a Dram, and *Jackson* asked *Scardefield*, if he knew any Place where to bury the Man in, and he said, No; but they said, he must go with them; and they got a Spade, and a Can and Lanthorn, and they laid *Galley* on Horseback again, and he (the Witness) *Carter*, *Little Sam* and *Scardefield* went back for about a Mile, and held the Horse whilst *Scardefield*, *Carter*, and *Little Sam* went to find the Place to bury him in; when they had found it, *Carter* and *Sam* came back to him, and left *Scardefield* to dig the Grave; they went and buried him there, and returned back to *Scardefield's* again; that *Jackson* told them, that whilst they were burying *Galley*, he and *Little Harry* went to carry *Chater* to old *Mills's*; that they buried *Galley* two or three feet deep, in the Head of a Sand-Pit, about 3 or 4, or 5 o'Clock in the Morning.

Being cross-examined, and asked by *Carver* whether he (*Carter*) struck *Galley*; answered, that they all struck him.

Being asked by the Prisoner's Council, What was the Consequence of that Thrust that *Little Harry* gave *Galley*, when he fell the last Time; answered, That he thought by the Fall *Galley's* Neck was broke, because, as soon as he was down, he gave himself a Turn, and stretched out his Hands and Legs, and never stirred or spoke afterwards; that *Galley* was not falling till *Harry*

erry gave him the Push ; said he did not know the Parish of *Rogate*, or that the Place where *Galley* was within that Parish, any otherwise than that he had been there since, and several People said it was the Parish of *Rogate*.

He was then asked, Whether the gravelly Knap was in the Parish of *Southampton*, or County of *Suffex*; answered, He could not tell ; that he had never heard, as he remembered, what County that Place was in, but he was carried thither last Friday, to see the Place, and he shewed the People then present, the Spot of Ground where *Galley* fell from his Horse, and he believed he should know one of the Men that were with him.

John Aftett being called up, *Steele* said, he was one of the Men that was there.

Aftett was then sworn, and deposed, That he was with *Steele* and some Dragoons on *Friday* last ; that *Steele* pointed down to the Ground with a Stick, and said, *There the Man died* : That he (the Witness) took particular notice of that Place, and was sure it was in *Suffex* ; that he now lived at *Harting*, and was born and bred just by, and had lived there ever since he was a Lad, and borne the Offices of Surveyor and Constable.

Steele said, He knew the Place again very well by the little gravelly rising of the Ground.

William Scardefield proved the same as in the former Trial, with the following Facts relating to the Burial of *Galley* ; that one of the Gang asked him, if he knew the Place where they laid up some Goods about a Year and an half ago ; and he told them he did ; upon which the Man said, *You must go along with us* ; but the Witness told him, his Wife was ill, and he could not leave the House ; and when *Carter* came in, and asked for a Lanthorn, and *Edmund Edwards* told him, he must go with them ;

them ; to which he replied, if he must go, he must that when he came down the Hill, a little Way from his House, he saw two Companies, one on the Right-hand and the other on the Left ; that *Carter, Steele*, and a short Man he did not know went on to the Place, which was about three Quarters of a Mile back again, he found the Place, and one of them came up after him, and he told him where it was ; upon which they brought the Horse up to a rough Kind of Dell, and the short Man fell a digging ; and it being a very cold Night, he (the Witness) took the Spitter, and dug to keep himself warm ; there seemed to him to be a Man upon the Horse, and it fell like a Man into the Pit, and they covered it up ; he believed it to be the Body of a Man, but he did not help to put it in, and was about 3 or 4 Yards from it ; he never went nigh the Ground afterwards, and did not see the Body of a Man upon the Horse afterwards or any where else ; that the Earth was thrown over the Pit, and the short Man did most of the Work ; and he did not enquire, or chuse to ask any Questions about it.

Edward Sone proved the finding the Body of dead Man, about the 15th of September, in a Fox Earth, within three Quarters of a Mile of *Rake* that there were Boots upon the Legs, and a Glove upon one Hand ; that the Body was very much perished, and had a Waistcoat and Breeches on.

John Greentree produced a Coat, which he took up beyond *Harting Pond*, in the public Road, on the 15th of February last ; and swore that there were some Writings, and a Letter-Case in the Pocket, which, he said, he should know if he was to see them again.

Upon which a Parchment was delivered in Court by *Mr. Battine*, a Justice of Peace, whose Custody it had been left, and shewn to the Witness.

Witness, who said it was the same he found in the Coat-Pocket.

It was then read in Court, and appeared to be a Deputation under the Hands of the Commissioners of the Customs, dated the 1st of April, 1731, appointing *William Galley* to be Tidesman in the Port of Southampton.

William Galley, the Son of the Deceased, looked at the Coat which the other Witness produced, and proved it to be his Father's Coat.

John Greentree said the Coat was bloody when he found it.

The King's Council rested it here; upon which the Prisoners being called upon to make their Defence, *Carter* said, He never intended to hurt the Man, and only intended to carry him away, and take care of him, till they knew what became of *Dinard*; and that he had not any Witnesses.

The Prisoner *Jackson* had nothing to say.

Mr. *Justice Foster* opened to the Jury the Substance of the Indictment, and told them, that where several People join to do an Act, in itself unlawful, and Death ensues from any thing done in Prosecution of that unlawful Design, they will be all considered as Principals in Murder, as if they were all present, aiding and abetting therein; that it was not necessary that each of the Prisoners at the Bar should be guilty of every single Abuse that was offered to the Deceased, in the long Series of Barbarities the Witnesses for the Crown had laid before them; if all, or any of those Abuses contributed to his Death, and the Prisoners at the Bar were engaged in the several Designs against him, and present, aiding and abetting the others, they will be guilty within this Indictment.

The Jury, after some Consultation, gave their Verdict, That *William Jackson* and *William Carter* were both *Guilty*.

The Council for the Crown then moved for Judgment ; and the Prisoners being set to the Bar, and severally asked what they had to say why Judgment of Death should not pass upon them ; and none of them offering any thing in Arrest of Judgment, Mr. Justice Foster spoke to them as follows.

‘ Benjamin Tapner, John Colby, John Hammond,
 ‘ William Jackson, William Carter, Richard Mills
 ‘ the elder, and Richard Mills the younger ; you
 ‘ have been convicted upon very full and satisfactory
 ‘ Evidence of the Murder of Daniel Chater ; three
 ‘ of you as Principals, and the rest as Accessaries
 ‘ before the Fact.

‘ And you William Jackson and William Carter
 ‘ stand farther convicted, as Principals in the Mu-
 ‘ der of William Gally.

‘ Deliberate Murder is justly ranked amongst the
 ‘ highest Crimes human Nature is capable of ; but
 ‘ those you have respectively been convicted of,
 ‘ have been attended w th Circumstances of very
 ‘ high and uncommon Aggravation.

‘ The Persons who have been the Objects of
 ‘ your Fury, were travelling on a very laudable
 ‘ Design, the Advancement of public Justice. For
 ‘ this they were beset in their Inn, tempted to
 ‘ drink to Excess, and then laid asleep in an inner
 ‘ Room, while a Consultation was held in what
 ‘ Manner to dispose of them ; and, in the End, a
 ‘ Resolution was taken to carry them to some dis-
 ‘ tant Place, and to dispatch them by some Means
 ‘ or other.

‘ In consequence of this Resolution, they were set
 ‘ on Horseback, and exercised with various Kinds
 ‘ of Cruelty for five Hours together, till one of
 ‘ them sunk under the Hardships he suffered, and
 ‘ died upon the Road.

‘ The

‘ The other was carried to a Place of safe Custody, there kept chained on a Heap of Turf, expecting his Doom for three Days : During this dreadful Interval, a second Consultation was held, and a Resolution taken to dispatch him too : Not a single Man, of Thirteen who were present, offering one Word in his Behalf.

‘ He was accordingly hurried to his Death ; and though he begged earnestly to live but one Day longer, that small Respite was denied him. I will not repeat every Circumstance ; but I cannot forbear putting you in mind of one. When the poor Man was told he must die that very Night, some of you advised him to say his Prayers, and accordingly he did address himself to Prayer.

‘ One would have hoped that this Circumstance should have softened your Hearts, and turned you from the evil Purpose you were bent upon. Happy had it been for you, had you then reflected, that God Almighty was Witness to every Thing that passed among you, and to all the Intentions of your Hearts !

‘ But while the Man, under great Distraction of Thought, was recommending his Soul to Mercy, he was interrupted in his Devotion by two of you, in a Manner I scarce know how to repeat.

‘ I hope your Hearts have been long since softened to a proper Degree of Contrition for these Things, and that you have already made a due Preparation for the Sentence I am now to pass upon you. If you have not, pray, lose not one Moment more. Let not Company, or the Habit of Drinking, or the Hopes of Life, divert you from it ; for Christian Charity obliges me to tell you, that your Time in this World will be very short.

' Nothing now remains, but that I pass that
 ' Sentence upon you, which the Law of your
 ' Country, in Conformity to the Law of God,
 ' and to the Practice of all Ages and Nations, has
 ' already pronounced upon the Crime you have
 ' been guilty of. This Court doth therefore award,
 ' That you *Benjamin Tapner, William Carter, John*
 ' *Hammond, John Cobby, Richard Mills the elder,*
 ' *Richard Mills the younger, and William Jackson,*
 ' and each of you shall be conveyed from hence to
 ' the Prison from whence you came, and from
 ' thence shall be led to the Place of Execution,
 ' where you shall be severally hanged by the Neck,
 ' until you shall be dead, and the Lord have Mer-
 ' cy on your Souls.'

After Sentence, the Prisoners were carried back to Chichester Jail. The Court were pleased to order them all for Execution the very next Day and that the Bodies of *Jackson, Carter, Tapner, Cobby, and Hammond*, the five Principals, should be hung in Chains. Accordingly they were carried from the Jail, to a Place called the *Bryl* near Chichester, where, on Thursday, January 19 about Two in the Afternoon, all of them were executed, except *Jackson*, who died in Jail some few Hours after Death was pronounced upon him.

The following is an authentic Account of their respective Behaviour whilst under Sentence of Death, at the Place of Execution, under the Hands of several Clergymen who attended them alternately in the Jail, and together at the Place of Execution.

' The first Time I went to the Malefactors under Condemnation, being the Evening after Sentence was passed upon them, I prayed with

them all; viz. *Carter*, *Tapner*, *Cobby*, *Hammond*, and the two *Mills's*, (*Jackson* being dead just before I went to the Jail) but many Persons being present, I had no Opportunity of saying any Thing material, and therefore told them I would visit them early the next Morning, which I did accordingly.

After Prayers, I talked with them about their unhappy Condition, and the Crimes that brought them into it. I asked them if they desired to receive the Sacrament; they all and each of them begged I would administer it to them. Accordingly I attended them again about 100'Clock for that Purpose, and during the whole Time of my performing that Office, they all behaved with great Decency and Devotion, especially *Carter* and *Tapner*.

Afterwards I put the following Questions to them, and desired they would be sincere in their Answers as dying Men: First, Whether they did not acknowledge the Sentence that was passed upon them to be just, and what they highly deserved? *Carter*, the most sensible and penitent amongst them, first answered, Yes; as did afterwards *Tapner*, *Cobby*, and *Hammond*; but the two *Mills's* did not. 2dly, I asked them, Whether they forgave every Body? They all, and each answered, they forgave all the World. *Tapner* then owned, that *Edmund Richards* and another were the Cause of his Ruin; but he forgave them. *Carter* laid his Ruin to *Jackson*.

John Smyth, Curate of St. Pancras, Chichester.

Both *Carter* and *Tapner*, a few Hours before their Execution, confessed to me, that they, with several others, assembled together, with a Design to rescue *Dimar* out of Chichester Jail; that

‘ the only Person amongst them who had Arms,
 ‘ was *Edmund Richards*; but that being disap-
 ‘ pointed by a Number of Persons who had pro-
 ‘ mised to join them from the East, their Scheme
 ‘ was frustrated, and their Purpose carried no far.
 ‘ ther into Execution; that one *Stringer* was at
 ‘ the Head of this Confederacy, but not present
 ‘ with them at the Time of their assembling to-
 ‘ gether.’

Simon Hughs, Vicar of Donnington, in Sussex.

‘ *Benjamin Tapner*, of *West-Stoke*, in *Sussex*,
 ‘ Labourer, Son of *Henry Tapner* of *Aldingborne*,
 ‘ in *Sussex*, Bricklayer, aged 27, before he was
 ‘ turned off, owned the Justice of his Sentence,
 ‘ and desired all young Persons to take warning
 ‘ by his untimely End, and avoid bad Company,
 ‘ which was his Ruin. When in Jail, before he
 ‘ was brought out for Execution, he said, he did
 ‘ not remember he put the Rope about *Chater's*
 ‘ Neck.

‘ *William Carter* of *Rowlands-Castle*, *Hampshire*,
 ‘ Thatcher, Son of *William Carter*, of *East-Meon*, in
 ‘ *Hants*, Thatcher, aged 39, both at the Place of Exe-
 ‘ cution, and at the Jail, confessed the Justice of the
 ‘ Sentence passed upon him, and in both Places
 ‘ acted more suitably to a Person in such unhappy
 ‘ Circumstances than any of them. He likewise
 ‘ at the Gallows, in the same Manner as *Tapner*,
 ‘ did, cautioned every one against those Courses
 ‘ that had brought him to so shameful an End.
 ‘ *Tapner* and *Carter*, when all the Ropes were
 ‘ fixed, shook Hands, but what, or whether any
 ‘ Words passed between them, was not heard.

‘ *Richard Mills* the elder, of *Trotton*, in *Sussex*,
 ‘ Colt Breaker, aged 63, was unwilling to own
 ‘ himself guilty of the Fact for which he died; and
 ‘ said, he never saw *Chater*; but being asked

Whether he never heard him, as he was confined so long, and in so terrible a Condition, in the next Room to that in which he generally sat, made no Answer.

"Richard Mills the younger, of Stedham, Sussex, Colt-Breaker, aged 37, would willingly have been thought innocent; and it having been put to him, Whether he made that Speech about the Council of War, &c. and whether he was not at the Consultation? Denied both; but in the latter, Tapner confronted him, and said, Yes, Major, you was there; to which Mills replied, Aye, for a Quarter of an Hour, or so; or to that Purpose. It so happened; that his Rope was first fixed to the Gallows, and a considerable Space of Time was taken up in fixing the rest; which Interim he might have much better employed than he did, gazing one while at the Spectators, and then at the Hangman, who was on the Gallows, tying the Ropes of the other Malefactors, till the Cart was almost ready to drive away.

"John Cobby, of Sidlesham, in Sussex, Labourer, Son of James Cobby, of Birdham, in Sussex, Labourer, aged 30, appeared to be very much dejected, and said little in Jail, and nothing at the Gallows.

"John Hammond, of Bersted in Sussex, Labourer, aged 40, seemed likewise very much dejected, and had little to say for himself, excepting his pretending that the Threats of Jackson, Carter, and the rest, were the Occasion of his being concerned in the Murder.

"Cobby's Excuse was much the same.

"They all, except the two Mills's, seemed sensible of the heinous Nature of the Crime for which they died, and behaved as became Men in their Condition, more particularly Carter; but Mills, the Father and Son, appeared hardened and

and unaffected, both in the Jail and at the Gallows ; especially the Son, who was most insensible, and seemed by his Behaviour, which has been mentioned before, even when his Rope was fixed to the Gallows, to be as little affected at what he was about to suffer, as the most unconcerned Spectator. However, just before the Cart drove away, he and his Father seemed to offer up some Prayers to God.'

*R. Sandham, Vicar of Subdeanery, in Chichester.
John Smyth, Curate of St. Pancras.*

As Jackson died so soon after Condemnation, no other Account can be given of him, than that he was of Welforth, near Rowland's Castle, in Hampshire, Labourer, aged about 50 ; and that being very ill all the Time of his Trial, as he had been for a considerable Time before, was shocked at the Sentence of Death, and the Apprehension of his being hung in Chains, to such a Degree, as hastened and brought on his Death, before he could pay the Forfeit of his Life, in that Ignominy to which he was most deservedly doomed, and more peculiarly due to him as a Ringleader in these most cruel and horrid Barbarities and Murders.

He professed the Romish Religion some Years before his Death ; and that he died a Roman Catholic may very reasonably be presumed, from a printed Paper which was found carefully sewed up in a linen Purse, in his Waistcoat Pocket, immediately after his Death, supposed to be a Popish Relic, and containing the following Words, *viz.*

Sancti tres Reges,
Gaspar, Melchior, Balthasar,
Orate pro nobis nunc et in Hora
Mortis nostræ.

Ces

Ces Billets ont touché aux trois têtes de S. S. Roys
a Cologne. Ils sont pour les Voyagers, contre les
Malheurs de Chemins, Maux de Tête, Mal-
cadue, Fieures, Sorcellerie, toute sorte de Ma-
leifice, Morte subite.

In English thus :

Ye three Holy Kings,
Gaspar, Melchior, Balthasar,
Pray for us now in the Hour of Death.

These Papers have touched the Heads of the
Holy Kings at *Cologne*. They are to preserve
Travellers from Accidents on the Road, Head-
achs, Falling-sickness, Fevers, Witchcraft,
all Kinds of Mischief, and sudden Death.

The Body of *William Carter* was hung in Chains
in the *Portsmouth* Road, near *Rake*, in *Sussex*; the
Body of *Benjamin Tapner*, on *Rock's-Hill*, near
Chichester; and the Bodies of *John Gibby* and *John*
Hammond, upon the Sea-coast, near a Place called
Selsey-Bill, in *Sussex*, where they are seen at a great
Distance, both East and West.

The Bodies of *Mills*, Father and Son, having
neither Friend nor Relation to take them away,
were thrown into a Hole dug for that Purpose,
very near the Gallows, into which was likewise
thrown the Body of *Jackson*. Just by is now
erected a Stone having the following Inscription,
viz.

Near this Place was buried the Body of *William*
Jackson, who, upon a special Commission of
Oyer and Terminer, held at *Chichester*, on the
16th Day of January, 1748-9, was, with
William Carter, attainted for the Murder of
William Galley, Custom-House Officer; and
who

who likewise was, together with *Benjamin Tapner, John Cobby, John Hammond, Richard Mills* the elder, and *Richard Mills* the younger, his Son, attainted for the Murder of *Daniel Chater*; but dying in a few Hours after Sentence of Death was pronounced upon him, he thereby escaped the Punishment which the Heinousness of his complicated Crimes deserved, and which was, the next Day, most justly inflicted upon his Accomplices.

*As a Memorial to Posterity, and a Warning to this and succeeding Generations,
this Stone is erected.*

A. D. 1749.

Edmund Richards, another of these inhuman Wretches, often mentioned by the Witnesses in the foregoing Trials, as one of the Actors in that bloody Tragedy, was tried at the ensuing Summer Assizes held at *Lewes* for the County of *Sussex*, for the Murder of *William Galley*; of which being found guilty, upon the fullest Evidence, he was executed accordingly.

Stone and Collington, for setting Fire to a Barn, Corn, and Hay ricks, 1749.

AT the Assizes held at *Maidstone*, in *Kent*, in March, 1749, *John Stone* was indicted for setting Fire to the Barn, Corn, and Hay-ricks of *John Clarke*; and *John Collington*, as Accessary.

John Clarke deposed, That receiving a Warrant from the Quarter-Sessions, to levy on the Goods of the Prisoner *Collington*, for Money due to the Parish

ms,

arish of Throwleigh, of which he was Church-Warden, for maintaining a Son of Collington's, whom he had turned out of Doors, and which Boy had lodged about the Parish, till an Order came from a Justice of Peace, to require the Officers to take care of him; that, according to the Warrant, he and Mr. Hernden the Overseer, and Constable, went to Mr. Collington's House, and viewed the said Warrant; that then Collington said to this Deponent, *You are a full Mark; you can't well be missed; I'll be revenged on you by Hook or by Crook; for, d—n you, I'll spoil your Stammering;* (Mr. Clarke having a Stammering in his Speech) and then asked Mr. Clarke if he had made his Will; upon which Mr. Clarke asked him, if he intended to murder him? Collington replied, *No, I don't intend to murder you; but I don't know but that you may be murdered.* That on the 17th of November, the Evening, just before it was dark, two Men, Michael Pain and Joseph Gregory, came to his house and asked for him; and he being in his Barn, with two Men who were a threshing, they came to the Backside of the Barn next the Road, where they leaped off their Horses, and gave them to Philip Barret, who was on Horseback, along with them, to hold them at the Yard Gate. Pain then came up to him, and asked him, if his Name was Clarke; and he answering it was, he said he desired to speak with him. Mr. Clarke not caring to go out of the Barn, being afraid of him, desired he would speak to him there: Upon which Gregory, (who was a Dragoon, and in Disguise as well as the other, and had a Pistol in his Hand) did hold of him, and by main Force pulled him out of the Barn, and then swearing a great Oath, said he was come to demand Mr. Collington's Boy; and he (Gregory) was Lieutenant to Captain Williams, who was Captain of a Man of War, and that

that the Boy was the Captain's Apprentice, and if he did not let the Boy go along with them, they would take him (Mr. Clarke) with them, and make him suffer for it. Mr. Clarke told them, he had an Order from the Quarter-Sessions to do what he had done, and if he had done any Thing he could not justify, he was willing to go before a Magistrate to answer for it; when *Pain* replied, *D—n him and his Orders too; d.n't stand to contend with him.* *Gregory* then immediately seized him, and pulled him out of the Barn; and, by the Help of *Pain*, dragged him to the Horses. He struggling and refusing to get up behind *Barret*, *Gregory* beat him with a great Stick, and threatened to blow his Brains out; then *Pain* and *Gregory* threw him on the Horse behind *Barret*; but he jumped down; and then *Gregory* beat him again; and *Barret* cried, *If he won't come quietly, blow his Brain out.* Then he was put upon the Horse a second Time, when he got off again, and *Gregory* beat him again. *Gregory* said, *D—n him, we'll kill him;* and *Barret* replied, *D—n him, blow his Brains out.*

Then *Pain* desired they would not beat him any more; and Mr. Clarke said, *If you will let me alone, I will get up behind that Man* (meaning *Barret*) *myself:* For he thought he had better do so than be killed by them, as he imagined he should be if he did not comply with them. In riding along behind *Pain*, they came to the Gate of one Mr. Ruck's House, which happened luckily to be open; upon which he jumped off and ran in, when they immediately fired two Pieces after him, one a Pistol, which *Gregory* had, the other a Carbine, which *Barret* had.

Being asked, if he saw them fire; he answered, No, he could not, as his Back was towards them, and he running; but he had the greatest Reason to believe

believe that the Pieces were fired by them ; for he heard the Bullets whiz by him, and saw them dash into a Pond, and frighten some Ducks out of it. It being asked, what his Men did in the Barn, and whether they offered to assist him ; he answered, that he looked over his Shoulder, in Expectation that they would have assisted him, but *Pain* and *Gregory* both swore in a most terrible Manner, that if they stirred, or offered to give him the least Assistance, or make the least Noise to call any Body, they would murder them. For which Purpose, *Gregory* presented his Pistol, which so terrified the poor Men, that they were struck half-dead.

Mr. *Clarke* farther deposed, That after he had got into Mr. *Ruck's* House, he heard them discoursing together what they should do. *Gregory* and *Barret* proposed to come directly to the House, and take him away ; but *Pain* said *No, we will come another Time and fetch him away.*

Mr. *Clarke* being asked, if he had ever seen any of these Men before ; he replied that he had ; that *Barret* and *Pain* came armed to his House the 29th of Augst last, and demanded Mr. *Collington's* Boy, threatening, that if he did not deliver him, they should come again, and make him suffer for it.

Mr. *Clarke* farther deposed, That on recovering from his Surprize, he acquainted some Friends with what had happened, who advised him to apply to a Justice, for a Warrant to take up *Collington*, since he went in Danger of his Life, supposing that *Gregory* and the two others were employed by him in it. Accordingly he got a Warrant from Justice *Knight*, and *Collington* was apprehended and brought before him ; where being asked if he had any Sureties to answer the Complaint of the D^eponent ; he answered with great Haughtiness and Insolence, he could have enough, but he would give

give none; upon which he was committed to Canterbury Gaol.

Being asked, if *Gregory*, *Pain*, or *Barret*, told him what they intended to do with him when they took him away; they said, they would carry him to a Place called *Long Beach*, which is a large Wood, where they would make him suffer for detaining *Collington's* Boy; and as to themselves, they valued nothing, for they were outlawed Smugglers, and were 500*l.* Men if they were taken.

He was asked, if he had not a Barn, or something else set on Fire soon after this? He replied, that on the *Wednesday* following, being the 22d of *November*, his Barn, two Ricks of Corn, one of Barley, the other of Beans, and two Stacks of Hay, were burnt down, about 10 or 11 o'Clock at Night, but who set them on Fire he did not know, though he has been since informed by *William Luckhurst*, that they were set on Fire by *John Stone*, one of the Prisoners at the Bar, and that he was hired to do it by *Mr. Collington*, the other Prisoner.

William Luckhurst deposed, That one *Robert Curling*, a Tenant of *Collington's*, on *Monday* Night, the 20th of *November* last, came to him, and told him, that he was just come from *Canterbury Gaol*, that *Mr. Collington* desired to speak with him at the Gaol there. Accordingly next Morning he set out, and walked to *Canterbury*, and got there about 9 o'Clock in the Morning; that he went into the Gaol, and saw *Collington* and *Stone* in a Room by themselves; that *Collington* then asked him, if he would undertake to do a Jobb for him along with *Stone*? He asked him what it was? *Collington* replied, it was to set Fire to the Barn, Corn, and Hay-ricks of *Mr. Clarke* and *Mr. Hernden*, the Church-Warden and Overseer of the Parish of *Throwleigh*, for he was determined to be revenged

of them for detaining his Boy, and for bringing him into all this Trouble. At first, *Luckhurst* made some Hesitation; but *Collington* pressed him hard to it, and offered him a Guinea; upon which he promised to undertake it, and then *Collington* gave him a Guinea.

That then *Stone* and he, (this Witness) agreed to meet at a Time and Place the next Night, which was at *Bells-Foster*, not far from *Collington's* House. Accordingly they met about 10 at Night, on Wednesday the 22d. Being met, they went immediately to Mr. *Clarke's*, and *Stone* bid him stand in the Lane to look out, while he went and set Fire to the Barn. In a few minutes after, *Stone* got up to the Barn, he saw it on Fire at the Place where *Stone* stood, which soon communicated itself to the Corn and Hay-ricks. That then *Stone* came to him, and asked him to go with him to set Fire to Mr. *Hernden's* Barn and Ricks; but the Witness being terrified at what he had already seen, desired him not to go any farther, for he thought there was Mischief enough done already; upon which they parted: *Stone* went to *Collington's* House to sup, and himself went home.

Being asked, with what it was that *Stone* set the Barn on Fire; he said, he could not certainly tell; but he saw only a Pipe in his Mouth; and that he might light a Match with it; yet he believed he had a dark Lanthorn under his Great-Coat: But be it which it would, he was certain *Stone* set it on Fire; for in about two Minutes after *Stone* went up to the Barn, it was all in a Flame at the very Place where *Stone* stood, and from which he saw him come away; and that *Stone* said to him, *As I have now set Clarke's Barn on Fire, that Part of our Jobb is done; we will now go and set Hernden's on Fire;* which was prevented by this Witness's dissuading him from it.

Robert

Robert Curling deposed, That on the 20th of November last, he carried Mrs. Collington on Horseback behind him to Canterbury to see her Husband. That then Mr. Collington desired him, on his Return, to call upon Stone his Tenant, who kept an Alehouse at Challock-Lees, and likewise upon William Luckhurst, and tell them that he wanted to speak with them ; and that he did call upon them, and delivered Mr. Collington's Message to them separately ; which was the Monday Night before Mr. Clarke's Barn and Ricks were burnt.

William Wells deposed, That on Tuesday Morning, the 21st of November, he met William Luckhurst on the Road to Canterbury ; and on asking him whither he was going, he said to Mr. Collington in Canterbury Gaol, who wanted to speak with him.

Mr. Birch deposed, That he was at Mr. Collington's House the Night when Mr. Clarke's Barn and Ricks were fired ; that about 8 o'Clock he saw the Prisoner Stone there, in private Discourse with Mrs. Collington, who was returned home from her Husband at Canterbury ; that he saw him go away from thence about 8 in the Evening, and that about 10 o'Clock Mr. Clarke's Barn and Ricks were burnt down.

Valentine Coveney deposed, That he lodged at the House of the Prisoner Stone ; that on Wednesday the 22d of November last, Stone was absent from his House the greatest Part of the Afternoon and Evening ; that about half an Hour after 8 o'Clock, Stone came home upon one of Collington's Horses ; that Stone then went up to his Wife, and after some private Talk, came down, got on Horseback, rode away, and did not return home that Night ; but never knew him do so before.

Another Witness deposed, That this Affair being much talked of, and Luckhurst suspected, and happen-

opening to meet with him, told him, that there was a Suspicion of his setting Fire to Mr. Clarke's Barn. Upon which *Luckhurst*, in a Surprize, immediately sunk down in a Swoon, and as soon as recovered, cried, and said, *I will confess the whole*; and being carried before Justice *Knight*, he gave a voluntary Information, in which he recited the same Particulars as before mentioned in his own Evidence. Upon which Information the Justice granted his Warrant for apprehending *Stone*; who, being taken, was, together with *Luckhurst*, committed to Gaol; the last on his own Confession, and the other on the Information of *Luckhurst*.

The Prisoners were then called upon to make their Defence. *Stone* called *Richard Holland*, who swore, That on Tuesday the 21st of November last, he was at Plough in a Field about three Miles from the Place where *Stone* lived, and that he saw *Stone* and another Man on Horseback, who both rode up to him as he was at Plough; that he knew *Stone* well, but did not know the other Man; that it was between 10 and 11 o'Clock in the Morning; and that *Stone* told him they were going to have Dinner.

Being cross-examined, he was asked, if he knew the Person who was riding with *Stone*; he boggled much in his Reply; but being told by the Jury, he must give a plain and direct Answer to the Question, he said, he did know him, and his Name was *Henry Head*; which plainly contradicted what he had before sworn, very little it was given to his Evidence.

Henry Head deposed, That he did ride with *Stone* from his own House, about 10 o'Clock in the Morning, to *Chilham*, where they dined, and remained there till 3 o'Clock in the Afternoon; but did not take upon him to swear either to the Day or Month, or what Month it was in; neither did

did he know *Holland* the last Witness, nor had ever seen him till within a few Days last past.

Collington, in his Defence, said, he could prove that *Luckhurst* was not with him in *Canterbury Gaol* the Day he had sworn to, nor till the Saturday after Mr. *Clarke's* Barn was burnt; that it was impossible for him to have there any private Conversation with *Luckhurst*, or any Body, because he was debarred Pen, Ink, and Paper, and was closely watched by Order of a Justice of the Peace; for which Purpose he called several Witnesses.

Mrs. *Pilcher*, the Keeper of the Gaol's Wife, deposed, That they had an Order from Justice *Pudner*, to keep Mr. *Collington* from Conversation with any Body, and to debar him the Use of Pen, Ink, and Paper; that *Luckhurst* was not at the Gaol the 21st of November last; for Mr. *Collington* was in the Kitchen, and had *Luckhurst* been there she should have seen him. But being asked, whether it was impossible for *Luckhurst* to be there and she not to see him; she hesitated, and after some Reluctance, replied, he might be there and she not see him.

Edward *Ladd* deposed, That he was in *Canterbury Gaol*, and desired by Mr. *Pilcher* to look after Mr. *Collington*, and to see that no Person had any private Conversation with him. That on Tuesday the 21st of November last, he was with Mr. *Collington* from between 8 and 9 in the Morning, to 2 in the Afternoon; and was certain that *Luckhurst* was not with Mr. *Collington* during that Time, for if he had, he should have seen him.

Being cross-examined very closely, whether it was not possible for *Luckhurst* to come into the Gaol and converse with *Collington* in that Time without his seeing him; after some Hesitation said, he did not know but he might come in without his seeing him.

He was then asked, if he knew the Prisoner, *Stone*, and whether he saw him there the 21st of November last, along with *Collington*? After a good deal of Hesitation and Reluctance, he said, he believed he did see the Prisoner *Stone* that Day there, and in Mr. *Collington's* Room.

Jeffre Pilcher, Keeper of Canterbury Gaol, having been called for near an Hour before, at last appeared in Court; and being sworn, was asked, if he gave any Orders to the last Witness *Ladd*, on Tuesday the 21st of last November, to look after the Prisoner *Collington*, to prevent his having any private Conversation with any Person whatever? He replied, No, not as he remembered; he believed, he might speak to him to have an Eye over the Prisoners in general, but nothing more.

Being asked, whether he remembered his seeing the Prisoner *Stone* and *William Luckhurst* in the Gaol on Tuesday the 21st of November last; replied, he was very certain he did not see *Luckhurst* there that Day, but that *Stone* was there, and along with *Collington*.

He farther deposed, That he received an Order from Justice *Pudner*, to keep *Collington* from Pen, Ink, and Paper, and from private Conversation with any Body; but that he was often out, and it was very possible that *Luckhurst* might have been with *Collington* that Day, and he not have seen him.

He was also asked, what Room *Collington* was kept in; whether it was that on the Right-hand, or the Left, going in from the Gate; answered, it was that on the Right hand; which, in Part, confirmed the Evidence of *Luckhurst*, who swore it was the Room on the Right-hand; and likewise disproved that of some of the Prisoner's Witnesses, who swore he was in the Kitchen.

Collington then called some Persons to his Character. Those who appeared did not care to say any Thing at all about him.

The Witnesses having finished their Evidence, the Jury withdrew, and in a short Time returned, and brought both the Prisoners in *Guilty. Death.*

During the Time the Jury were gone out, *Collington* behaved himself, as he had done through the whole Trial, in the most insolent and audacious Manner; and turning his Back on the Court, sat himself down in that Position, as if in Contempt and Disdain of the awful Authority there resident; which his Lordship taking Notice of, was pleased to reprimand him, and to tell him, that he ought to consider he was now before a Court of Justice, who had Power of Life and Death; that his Behaviour was such as he had never yet seen in any Man in his Circumstances, who was then upon Trial for his Life.

When he came to receive Sentence of Death he begged his Lordship's Indulgence, so far as to permit him to read the following Paper, which he had drawn up; which his Lordship acquiescing in *Collington* put on his Spectacles, and with an audible Voice read as follows.

‘ *My Lord,*

‘ I humbly beg your Lordship's Pardon, if, by turning on one Side, when I took my Trial, gave your Lordship Offence; which was not intended to affront your Lordship, but owing to the Pain I was under by standing so long in heavy Irons and at the same time grievously afflicted with the Gout, so that I was obliged to change my Position for a little Ease. My Lord, I am sensible of your Lordship's great Goodness and Candour to me on my Trial, and though my Enemies have

have thirsted after my Life, and have been industrious in propagating false Reports of me; there is a great God I must appeal to, who knows my Innocence, and to the last Moment I shall declare, I am innocent of the Fact for which I am to die, as I do now solemnly declare to your Lordship, in this Court, that I never did hire, advise, or procure *William Luckhurst*, or any other Person, to burn Mr. *John Clarke's* Barn, or was the same done by my Knowledge or Consent. The Concern for my own Life, my Lord, is not so much as for that of my unfortunate Fellow-Sufferer *John Stone*; and what can that wicked Man, *Luckhurst*, think of himself hereafter, when he has caused two innocent Men to die, for a Crime which he alone meditated and perpetrated? And, my Lord, I beg your Lordship will consider, how impossible it was, that I, being in Prison, in *Canterbury Gaol*, deprived of Pen and Ink, and watched continually, not permitted to speak to any one in private, should think of any such Design as employing such a one as *Luckhurst*, who did not come to *Canterbury* till Saturday after the *Tuesday* he has falsely swore he saw me there; and I solemnly protest, I never saw him, or spoke to him in *Canterbury Gaol*, but in the public Room.

'I hope God will bless your Lordship in shewing Mercy to me, having a Wife and eight Children; or that your Lordship will be pleased to grant me some farther Time to settle so great a Concern, and my Family Affairs, and I shall ever pray,

' John Collington.'

John Collington was born of very respectable Parents, in the Parish of *Pluckley*, in the Eastern Division of the County of *Kent*. His Father was

Rector of the said Parish, a Living of between 200 and 300*l.* a Year, and was also possessed of a considerable paternal Fortune. Thus his Son John was, on the Day he received his fatal Sentence, just 53 Years of Age. His Father gave him a liberal Education; and, indeed, he was a Man of a great though a very dangerous Capacity; and it may be truly said of him, that he was a Terror to all who had any Concern with him; and he really verified his own words, which he frequently made use of, *That he would be a strong Friend to those to whom he professed Friendship, and an inveterate Enemy to all such as should disoblige him.* And indeed, it evidently appeared so through the whole Course of his Life; for whenever he took the Part of any Person, whether right or wrong, he would even advance Money, (though a very penurious Man) to serve their Purposes.

During his Minority, while a Boy at School he was full of Spite and Malice, and would certainly do some Mischief to any of his School-fellows who opposed him, so that the Masters of two of the Schools he went to, were obliged to turn him away.

When he was about 14 Years old, his Father put him Apprentice to a Grocer in Newgate Street, London; where he played his mischievous Pranks so much, that his Master was forced to turn him over to another of the same Business; but there he behaved so very badly, that he was turned away and never served out his Apprenticeship. He then went down to Maidstone in Kent, where he lived with a Grocer; but his Behaviour still continuing the same, he was forced to quit this Place in about three Quarters of a Year.

Here we may properly enough introduce a Story or two, which Collington used to tell of himself during his Apprenticeship. The first is an Instance of his

ride : The Maid came into the Shop, and gave him a Pot, and asked him to go for a Halfpenny worth of Mustard ; on taking the Pot, he walked into *Cheapside*, called a Coach to carry him back, and as soon as he alighted, went to the Till, took out a Shilling, and paid the Coachman. Being asked the Meaning of such Conduct, his Answer was, *His Parents did not put him Apprentice to go of Errands, and he never would consent to go without a Coach.* Another Time he asked his Master Leave to go into the Country to visit his Friends, and he very kindly gave him a Fortnight, and desired him not to exceed that Time ; and on the Day he was to set out, his Master being abroad, he told his Mistress he was going to see his Friends, when she desired him not to stay above a Fortnight or three Weeks at the most, which he promised her he would not ; however, he did not return till five Weeks were expired ; and when his Master asked him, how he could stay so long, he replied, *That he had staid no longer than his Time, for that he had given him two Weeks, and his Mistress had given him three more ;* which was one Reason, among others, of his Master's parting with him.

When he came to Man's Estate, his Father thought proper to settle him in the World, and accordingly took an old accustomed Grocer's and Chandler's Shop for him at *Rye* in *Suffex*, where he lived a considerable Time ; but his bad Behaviour was still an Obstruction to his Success ; for being passionate and revengeful, his Trade, in a little Time, was not sufficient to maintain him. Upon which he removed to a little Town in the Eastern Division of *Kent*, called *Charing*, and kept a Shop for some Time ; but here too he behaved so very badly, that all his Neighbours despised and forsook him.

He married to his first Wife the only Child of Counsellor *Wheeler*, who brought him so considerable a Fortune, that a Jointure of upwards of 100*l.* per Annum was settled upon her. She bore him ten Children, four of them at two Births; four of these Children survived him.

His cruel and unchristian Usage of his Wife and Children was unsufferable; he would not permit them to be baptized, and gave them a Name himself; and the six that died were buried in his own Orchard to save Charges. His Wife, who was a well-bred, courteous, good Woman, and had as fine a Person as any Woman in the Country, he used to treat with the greatest Barbarity, the Marks of which often appeared; he frequently locked her up in her Chamber, and some Times put her down in a Saw-pit he had in his Orchard, which he covered over, and kept her there for Days together, without Sustenance; for he was of such a morose Temper, that he would not bear the least Controul, though ever so equitable; though the main Quarrel generally arose from her interposing to save the Children from his cruel and inhuman Usage.

One Instance of his brutal, and more than ferocious Cruelty, take as follows:

His Wife being with Child, she desired him to get her a Partridge; he being a great Sportsman, went out and shot some, one of which was dressed for her. In the Interim, having a Quarrel with one of his Children, and beating him unmercifully, the Mother interposed, and begged him to desist. Upon which he put himself into so violent a Passion with her, that even two Hours afterwards, when the Partridge was ready, and brought to Table where she was sitting, he took the Parsley and Butter and poured over it, then cut it into four Quarters, and gave it the Cats and Dogs, without suffering

sering her to touch it, though she had but a little Time to go off her Reckoning. To this she ascribed her Miscarriage, which happened two Days afterwards, and was very near occasioning her Death.

But though for this Time she escaped Death, yet it was not many Months before he accomplished it; for upon a Quarrel, he flung her headlong down the Stair, followed her, and stamped on her, and kicked her on the Breast, which brought on a Cancer, of which she soon after died.

Upon the Death of his Father, about 14 Years before, he came to the Possession of a considerable Fortune; upon which he went to *Throwleigh*, where a great Part of his Estate lay, and there lived as a Gentleman Farmer. About nine Years ago he married his second Wife, (who survived him) the Daughter of one Mr. *Franklin*, a reputable Tradesman at *Wye* in *Kent*, with whom he had a considerable Fortune, and who bore him six Children, four of whom survived him; so that, at the Time of his Execution, he had eight Children living, four by his first Wife, and four by his last.

Some few Years before he married his last Wife, he was concerned in running or owling of Wool; for which he was convicted in a very large Penalty; to evade the Payment whereof, he made over his Estate to a Person in *Maidstone*; and then made Affidavit that he was not worth 5*l.*; and having obtained Remission of the Penalty, in about a Month after, went into the Fields to take Game; and he having been very litigious when he was qualified, the neighbouring Gentlemen commenced Prosecutions against him, when to their great Astonishment, he swore to his Qualification, and laughed at them, though at the same time his Estate was made over, and not in his own Possession;

which shews he stuck at nothing, even Perjury it self, to support his usurping Temper.

As soon as he had Remission of the Penalty for Running of Wool, and being easy on account of the Game Act, he went to *Maidstone* to get Possession of the Writings and Deeds of his Estate; but the Person not readily parting with them, a great Disturbance ensued; the *Biter* found himself *bit*; and it was upon the Consideration of a round Sum of Money that the Person redelivered his Writings, and *Collington* was so overjoyed he had got them again, that, 'tis said, he stood upon his Head, and played upon a Fiddle.

Collington behaved so arbitrary in his Way, that he became a Terror to his Neighbours in six Parishes round him, constantly poaching in others Manors, though, when any qualified or not qualified Person came on his Estate to seek for Game, he would threaten to shoot them, and did shoot at People several Times. Being grown so very terrible, the Countess Dowager of *Rockingham* built a House on her own Waste for a Person to live in, and to hinder *Collington* from committing such Depredations on her Game, and curb him in his audacious and dangerous Proceedings.

This House or Cottage very much annoyed Mr. *Collington*, who extremely resented any Thing that tended to restrain his boundless Ambition and unneighbourly Acts; and, in this Case, knew no better Way than to destroy the said House; to which Purpose he consulted one *Hawkins* to set Fire to it, and offered him considerable Rewards for it; but the Man had more Honesty than to comply.

He then thought of his Man *Luckhurst*, (the Witness against him at his late Trial) who declared to several Gentlemen, that last Spring *Collington* came to him, as he was at Work for him in his Woods,

oods, and after talking very friendly and familiarly, asked him to go with him to *Feverham*; he replied: And as they were going along, *Collington* told him, he would give any one Half a Guinea if he set Fire to a House lately built on some waste ground belonging to the Countess of *Rockingham*, which *Luckhurst* agreed to, and took the Half guinea; but soon after, repenting of such a wicked undertaking, so injurious to so worthy a Lady, he offered to return the Money. Upon which *Collington* cursed him, and threatened to shoot him directly, if he did not keep the Half-Guinea, and as he had agreed; which frightened him into a compliance. So they went to the *Ship* at *Feverham*; and after having made him drink plentifully, provided Matches and other Materials for him to fire the House with; *Luckhurst* set out that Night, and about 11 o'Clock he did set Fire to the House, and it was burnt down to the Ground.

Mr. *Collington* having a very great Inveteracy against the Children of his first Wife, used them very cruelly, even his eldest Son, about 16 Years of Age, and Heir to the paternal Estate, being the jointure settled on his Mother, amounting to above 100*l. per Annum*, he gave him no Education, but used him cruelly, always beating him, and turned him out of Doors, very young, to seek his Bread; for which the Boy worked with the Farmers, and was, at this Time, a Waggoner's Mate, and lived at a Farm of Lord *Tenham's* at *Linstead*. And as to the rest of his Children, he never put them to School, but suffered them to go about the neighbourhood like young Gypsies, half-naked, and begging.

The Son, who was the Occasion of his Misfortune, about two Years younger than the eldest, was cruelly beat, when he was about 12 Years old, and put him into a Saw-pit, which he covered

over, in order to starve him to Death ; but the Child being relieved by some of the Servants, he then turned him out of Doors ; and the Boy being begging about the Parish, his Brute of a Father, when applied to, said, he was old enough to get his Bread, and refused to take him home ; upon which the Parish had an Order to provide for him, and Mr. Clarke, who was Church-Warden, took him into his House, and maintained him. The rest of his Story has been before related in Mr. Collington's Trial.

During his Confinement in *Canterbury Gaol*, his Behaviour was the same as when at Liberty ; breathing out nothing but Revenge, and threatening Destruction when he should be at large, which he expected to be as soon as the Assizes were over, to those who had been concerned against him, or assisted Mr. Clarke in carrying on the Prosecution.

When he was brought back to *Canterbury Gaol* after his Conviction, some of the Prisoners, who were Debtors, began to express their Sorrow for his unhappy Case ; when he snapt his Fingers, and said, *D——n 'em, I don't value any of them yet, I am sure I have Interest enough to get a Reprieve* and bid his Companion *Stone* make himself easie, for he was sure he could get him a Reprieve likewise.

Soon after, his Wife came to see him, but such Anguish of Mind, that she could hardly find Words to express her Grief and Surprize at his unhappy Case and Conviction ; when he, without any Signs of Contrition or Concern, bid her keep up her Spirits, for he did not fear getting a Reprieve ; and at most it could be only Transportation, and he did not doubt, before he went out of *England*, he should have an Opportunity of being revenged of all who had been concerned against him.

The next Day after Sentence had been passed upon him, as he was sitting in Company with the Keeper of the Gaol, and some other Persons, one of them saying, that the Judge, and Gentlemen of the Grand Jury, seemed angry with Mr. Pilcher the Keeper, for prevaricating so much in his Evidence; and another Person said, he heard Justice Knight say, he should be glad to hear of an honest Man that could be well recommended, to be Keeper of Canterbury Gaol. Collington replied, in jocose Manner, *I must get you, Sir, to recommend me to Mr. Knight, that I may be Keeper of Canterbury Gaol; and by that Means he will be able to make me Amends for bringing all these Troubles upon me.*

In this Manner he passed a great Part of his Time, under Condemnation, often declaring his own Innocence, as well as that of his Comrade Stone. He often cast vehement Reflections on the Gentlemen of the Grand Jury, and other Gentlemen of the County; and particularly on Justice Knight, and produced a Bond for a considerable sum of Money and Interest of Justice Knight's Father's, insinuating, that this Prosecution was carried on to prevent the Payment of that Bond.

He spent his Time chiefly in Exclamations against his Prosecutors, writing Letters and Petitions, caressing and listening to any Persons that gave him any Hope or Expectation of procuring a Pardon; frequently saying, according to his inward Malice, That if he could but live long enough to be revenged of his Prosecutors and Enemies, he would then willingly resign his Life.

When the Keeper received the Dead-Warrant, and informed him, that the Day for his Execution was fixed for the Saturday following, the 7th of April, he seemed, at first, concerned; but soon recovered his Spirits, and asked, if Stone was to suffer

with him ; and being answered, that he was ; he said, he was more concerned for *Stone* than for himself. But in less than an Hour, he began to talk in the same Manner he had done before, as that he did not doubt of a Reprieve, both for himself and *Stone*.

On Friday Morning, the Day before his Execution, a Message was brought him, that *William Luckhurst*, the Evidence against him and *Stone* at their Trial, was committed, for breaking open a House since he was discharged from *Maidstone Gaol*, which was not above 11 or 12 Days before. Upon which, he prevailed with two Clergymen who came to pray with him, to sign a Letter, which he sent Express to Dr. *Walvin*, one of the Prebends of *Windsor*, for an Application to be made to the Duke of *Newcastle*, for a Respite for a few Days, as the Evidence was in Custody, and had been so wicked as to break open a House soon after his Release from Gaol ; upon which they imagined that the Evidence of such a Wretch should not have so much Credit as to take away the Lives of two Men. Accordingly the Letter was sent away Express by a Man to *London*, who set out about 1 o'Clock.

In the Evening, his Wife's Father came to see him, who, with his Wife and Sister, were permitted to converse with him in a private Room ; and they, observing his Behaviour was very unbecoming his Circumstances, admonished him not to think of a Reprieve, but to make Preparation for a future State. They then asked him, how he would be conveyed to Execution ; he replied, in a Coach, in order to prevent his being made a public Show to the Populace. Then they asked him, if he would be buried at *Throwfield*, where he had lived ; at which he seemingly swelled with Anger and Malice, and said, he should not care to be buried there ;

there; for as they had prosecuted him to Death, they would not let his Body be at Rest there; and desired to be buried in the Church-Yard at Pluckley, where he was born, and where his Father had been Rector of the Parish.

He then settled his Burial as follows; he desired he might have a good Elm Coffin; be buried in Linen; and that as soon as the Execution was over, he might be put into his Coffin, and carried away directly in a Hearse, and buried that Evening between 7 and 8 o'Clock. Being very hungry, he had some cold Beef-Steak Pie brought to him, of which he eat heartily; and then said to his Wife, Father, and Sister, Let us have something to drink, using that Expression, *Let us eat and drink, for To-morrow we die*; and drank two Glasses of Wine chearfully: After which, he was locked up for the last Time; and that Night his Wife prepared the Sheet for him to be buried in.

In the Morning of their Execution, *Foster* and *Williams*, two other condemned Criminals, were brought out of their Room to have their Irons taken off; instead of which they had Horse-locks put on their Legs, and Iron Handcuffs on their Hands; but *Collington's* were knock'd off in his own Room, to avoid being made a public Shew of; and being very hungry, he desired some Bread and Cheese, which was carried to him, cut on a Plate, without a Knife, to prevent his cutting his Throat. Having done eating, the Keeper's Man came to put on his Hand-cuffs, which startled him very much, and he begged to be excused from it; but the Under-Sheriff would not grant him that Indulgence, saying, They were a necessary Means to prevent an Escape, in conveying him to the Place of Execution.

He was frequently questioned concerning the Fact for which he died, when his Replies were, that

that he could say no more than what he had already said ; that he was innocent, and so was Stone too ; but acknowledged his sending the three Rufians, *Pain*, *Barret*, and *Gregory*, to Mr. Clarke's House, in order to bring him away by Force, and that he furnished Fire-Arms ; but would not declare what he intended to do with Mr. Clarke, had he got him into his Power.

When *Stone* came out of the Goal, he was earnestly pressed to declare, whether he was innocent, or not, of the Crime for which he was going to suffer ? He replied, he was innocent, and that he never saw Mr. Clarke's Barn which was burnt down in his Life. Being asked, if he did not know that Mr. *Collington* had procured or hired *Luckhurst* to do that Mischief ; and whether he, though not guilty of the Fact, did not know that the said Barn and Ricks were to be set on Fire that Night ; and if he did not know the Person that set Fire to them, and with what they did set them on Fire ? On hearing these Questions, he was very much surprized, and shed Tears ; but refused to give any Answer ; only, that he should say to the last he was innocent.

A Multitude of People being assembled about the Gaol, and it being past 11 o'Clock, the Populace began to grow clamorous ; and it being whispered that *Collington* had got a Reprieve, they cried out, *Bring him out, and hang him, that he may set no more Houses on Fire.* But being soon after brought out, and put in a Mourning Coach, in order to be conveyed to the Gallows, they desisted from any more Clamour.

He was attended in the Coach by a Minister, his Wife's Father, and Sister ; and the Sashes were drawn up at his Desire, to keep himself from public View. The Minister read such Prayers to him as were suitable to the Occasion, which he seemed very

very little to regard. After these Prayers were ended, the Minister used the best Arguments he could to bring him to a due Sense of his Condition, yet he could not prevail with him even to say, that he forgave his Enemies, or that he died in Charity with the World.

When the Coach was come within a Quarter of a Mile of the Tree, *Collington*, in a seeming Hurry and Confusion, said, *What a sad Thing it is that the Messenger is not come back!* (meaning the Man who was sent to *London* with a Letter to Dr. *Walvin*, as before mentioned.) Upon which the Minister exhorted him to make use of the few precious Moments that were yet left, to take care of his immortal Soul; that he did not only now, but had, during the Course of attending him since his Condemnation, observe that he had been more solicitous about the Care of his Body than of his Soul, by leading himself up with the vain Hopes of a Reprieve; and having asked him if he would receive the Sacrament, he excused himself, by saying, he was not properly prepared for it.

The Waggon being drawn under the Gallows, and the Coach very near, Mr. *Collington* desired the Minister would do the last Office for him in the Coach, and that he might not be put into the Waggon till the last Moment, to avoid his being made a public Spectacle, which was readily complied with, and the Minister having prayed with the other three Criminals in the Waggon, returned again into the Coach, and prayed a considerable Time with Mr. *Collington*, though he seemed but little affected with it.

Prayers being over, he was again pressed by the Minister, to die in Charity with all Mankind, and to forgive his Enemies, as a necessary Condition of his obtaining Forgiveness from God; but he refused

refused to make any Reply, and seemed full of Revenge, by biting his Lips.

The Messenger that was sent to *London* being come back, and riding up to the Coach, brought a Letter from Dr. *Walvin*, directed to the Clergyman in the Coach; and some of the People, seeing a Letter in his Hand, cried out, *A Reprieve!* At which *Collington* seemed much joyed, and said, *Is the Reprieve come at last?* But the Messenger, in delivering the Letter to the Clergyman, told Mr. *Collington*, that there was no Reprieve for him; at which he seemed surprized, and said, *God help me then.* Then the Minister opened the Letter, and read it to Mr. *Collington*, the Contents of which were, That the Duke of *Newcastle* being at *Clarendon*, he could not see him; that he waited on Mr. *Stone*, Under-Secretary, and also on the Duke of *Bedford*, when he was informed that no Respite could, on any Account, be obtained for Mr. *Collington*, there having been Interest made against him by the Noblemen and Gentlemen in the Country round about where he lived.

This startled Mr. *Collington* very much, who, with a seeming Malice and Revenge in his Countenance, said, *I knew I was condemned and hanged before I came to my Trial.* He then pulled off his Hat, Wig, and Neckcloth, which he gave to his Father-in-law; and, with the Assistance of his Sister, put on a white Linen Cap; and having took his Leave of those in the Coach, he was again pressed to die in Charity with all Mankind, and to forgive his Enemies; which he, even then, disregarded.

Being got into the Waggon, he shed Tears, and had about two Minutes private Conversation with *Stone*, when they were all tied up; and just as they were going to be turned off, *Stone* declared himself innocent, but said he died in Peace and

nd Charity with all Mankind ; and *Collington* said, he was innocent, and his last Words were, that *Stone* was likewise innocent. The other two unhappy Criminals behaved with a becoming Decency.

After they had hung a full Hour, *Collington's* body was first cut down, and being stript, was put into the Sheet his Wife had made for him, and then into a Coffin, and carried away immediately in a Hearse and four to *Pluckley*, and buried the same Night according to his Desire. The Body of *Stone* being put into a Coffin, was buried in *Maidstone* Church Yard that Night. The Bodies of the other two Criminals were buried in a Hole near the Gallows.

There being nothing very particular in the Account which *Stone* gave of his Life and Conduct, we shall not trouble the Reader with a few trifling Circumstances of no Consequence ; and only observe, that he depended greatly on a Reprieve, being buoyed up with such Hopes by *Collington*, on the one Hand, and on the other, by his having a Sister in the Prince of *Wales*'s Family ; but the Thursday Night before his Execution, he began to be more thoughtful, a Letter coming from his Sister, informing him, that notwithstanding the Application that had been made, no Reprieve could be obtained either for him or *Collington*.

Since writing the above Account, one Thing more has occurred in relation to *Collington*, which we think deserves mentioning.—On Friday the Afternoon before his Execution, his eldest Son, who was a Waggoner's Mate only, and to whom great Part of his Fortune devolved, came to the Gaol to see his Father, who did more at this time than ever was observed of him before ; for he died seriously, though seemingly not very affectionately, gave his Son good Advice, and desired him

him to keep himself from Passions, and not give way to them, and to live in Peace and Love with his Neighbours ; and then he parted with him very coolly and indifferently, and said, he hoped that God would bless him.

Richard Coleman for Murder. 1749.

AT the Assizes held at *Kingston, Surry*, in March 1748-9, *Richard Coleman* was indicted, for that he, with two other Persons unknown, on the 23d of *July* last, on one *Sarah Green* did make a violent Assault, and his Hand did thrust into the body of the said *Sarah Green*, and her private Parts did mortally wound ; by which said Violence she languished from the said 23d Day of *July* to the 12th of *September* following, and then died.

The first Witness called was *George Howard* who deposed, That he kept the *King's Head*, public House, in *Kennington Lane* : That *Sarah Green*, the deceased, was there on the 23d of *July* with *Mr. Wynn's* People, and dined with them. That she went away, but returned late that Night but the Company were gone. There were three Men in the House, dressed like Brewers Servants but could not take upon him to swear that the Prisoner was one of those Men ; for they were all taller than him. They went out of his House about 11 o'Clock at Night. She called for a Quart of *Gin*, but they not liking that, it was changed for a Pint of *Beer*.

Robert Lingard deposed, That he kept the *Horse and Groom* at *Newington*, and saw the Prisoner pass by his Door about 11 o'Clock at Night on the 23d of *July*, in Company with a Woman, and cross the Road at the lower End of *Kennington Lane* ; and

hear

heard the Prisoner say to the Woman, *If you will go to the Peacock, I will treat you with a Mug of Beer*; but the Peacock being shut up, they went on towards London, and two Men were near them. The deceased asked who the two Men were; on which the Prisoner replied, *Poh! never mind them*. He knew the Prisoner, he said, because he often came to Newington, to Customers that dealt with his Master for Beer, and was sure he is the Man he saw with the Woman; it was light enough to discover his Face.

Anne Corner depos'd, That on Saturday the 23d of July, she had been at the Bean-feast in Kennington Lane, along with their Work-folks, and in the Evening returned home. About two o'Clock in the Morning Sarah Green came, and was let in by the Witness: She was in a dismal Condition; her Handkerchief was torn off her Neck, and her Cloaths all wet, dirty, and gravelly. She asked her what was the Matter, and how she came to be in such a Disorder? She cried, and said she had been used in a barbarous Manner by three Men in the Parsonage Walk under Newington Church. About 12 Days after, she was so bad, that she was obliged to go into the Hospital. She always declared, that the Clerk who belonged to Mr. Taylor's (since Berry's) Brewhouse was one of the Men who had used her so ill, but did not know his Name, but knew his Face; and that she (the deceased) always said so when she was in St. Thomas's Hospital.

Anne Berry depos'd she was a Washer-woman, and used to wash for the deceased, Sarah Green, and, after this Affair, seeing by her Clothes and Linen that she was in a very bad way, asked what was the Matter with her. She answered, ' She had been used in a most cruel Manner; that three Men had thrown her down in the Parsonage Walk; that one laid hold of her Shoulders, and by

‘ by Violence kept her on the Ground ; that the second held open her Thighs, whilst the third put his Hand up her private Parts ; and that they all three did so, one after the other, so that she thought they would have torn her Heart out of her Body ; that she struggled, cried out Murder, and begged they would kill her outright ; and when they had abused her as much as they thought proper, one of them (who she believed was the Prisoner) said, *Come along, for I believe we have done enough for the B—ch already.* Then they left her, and she crawled home as well as she could.’ When the deceased was so ill the Witness went with her in a Coach to St. Thomas’s Hospital, where she was admitted a Patient, and then she saw what a deplorable Condition she was in.

Anne Thrift deposed, That when Mrs. Grub was in the Hospital, she saw the Prisoner there and she (the deceased) always declared to her dying Day, that he was one of the Men who had used her so ill. She saw her there about three Weeks before her Death, and then she declared, a dying Woman, that he was one of the Men. She said, it was Mr. Taylor’s Clerk, but did not know his Name, but knew him very well by Sight.

James Thomson (one belonging to the Hospital) deposed, that he saw the deceased dressed, and that she appeared in such a shocking Condition as is no fit to mention. She was lacerated and torn in Pieces, and so violently used that the Parts mortified. She came into the Hospital the 4th of August, and lived seven Weeks to a Day.

Mr. Perrot, Surgeon in the said Hospital, deposed, That he attended the Deceased, and dressed her ; that her private Parts were torn in a most barbarous Manner ; that they mortified, and the Mortification increased so fast, that he found it was no

in the Power of Art to stop it ; and was certain, that the Injury she received was the cause of her Death.

Daniel Trottman swore, that he was at a public House in *Bandy-leg-walk*, where he saw the Prisoner, and asked him, if he was not in Sarah Green's Company the Night she was treated so cruelly ? He replied, Yes, I was, and what then ? He asked him, if he was one of the Men who did it ? He answered, Yes, I was, and what then ? And thereupon threw a Silver Spoon in the Witness's Face, and he threw it at him again ; and the Landlord bid him answer no Questions, for they were very ensnaring. *Coleman*, in his Defence, said he was drunk, as, by his Behaviour, it plainly appeared he was, which it seems the Witness took an Advantage of.

When the Deceased had been in the Hospital some Time, Justice *Clarke* thought it very proper to have *Coleman* examin'd in her Presence, which was accordingly done, the Justice being present ; and there being then Hopes of her Recovery, and she only saying he was present when she was so ill used, the Justice admitted him to Bail. But after her Death, a Jury having sat, and brought in her Death wilful Murder, the Coroner issued his Warrant for apprehending him ; which *Coleman* having Notice of absconded ; and the Lords Justices of the Regency issued a Proclamation, with a Reward of 50*l.* for taking him ; and the Parish of St. *Saviour, Southwark*, promised a Reward of 20*l.* for the same Purpose. He was taken at *Pinner* in *Middlesex*, near *Harrow on the Hill*, and committed.

The Prisoner, in his Defence, absolutely denied he was guilty of the Crime laid to his Charge ; and to prove his Innocence called the following Witnesses.

Thomas

Thomas Tyler deposed, That having a Physic Garden opposite Mr. *Howard's* House in *Kennington Lane*, which he usually watches with a Gun, and was there very late at Night on the 23d of *July*; and that he saw there three Brewer's Servants, all tall Men, and not in the least like the Prisoner; and was almost sure *Coleman* was not one of the Men.

Samuel Peers, an Apothecary belonging to the Hospital, deposed, That the deceased was brought there the 4th of *August*, and that at times she appeared to him to be delirious, and not sensible of what she said. Being cross-examined, he owned, that this was when she was in her worst state, and that she might be sensible at other Times.

Mr. Sibly, an Alehouse-keeper, deposed, That the Prisoner and *Mr. Berry* were at his House the 23d of *July*, till about 10 o'Clock at Night drinking Punch; and that they went away about that Time.

Jane Barrett, Mother to the Prisoner's Wife, deposed, That her Son-in-law, his Wife, and *Mrs. Alexander*, supped at her House in *Queen-street* in the Park, on Saturday the 23d of *July*, and tarried there till Two in the Morning; and remembered the Time, because on that Day she paid her Pimaker.

Sarah Alexander swore positively, That she supped with the Prisoner and his Wife at *Mrs. Barrett's* on the 23d of *July*; and that they tarried there till Two in the Morning. Being asked by the Court what Business she followed, answered, *I am a Widow Woman, and have a little Maintenance*; but could give no other Account of herself, or which way she got her Living.

Arthur Donnely deposed, That he heard *Robert Lingard* say, The Prisoner was a Rogue, and deserved to be hanged for using the Woman so ill.

upon which Lingard was called into Court again, and asked relating to this Affair. His Answer was, that he might say so, but that he had spoke nothing as the Fact that was charged upon the Prisoner, only that he was sure he saw him in her Company that night.

Matthew Turner deposed, That he was at the public House when he heard the Prisoner talking with Mr. Trottman relating to the deceased, but believed the Prisoner was much in Liquor, and afterwards denied what he had then said.

The Jury, without going from the Bar, found the Prisoner guilty of *Wilful Murder*.

At the Place of Execution, Richard Coleman delivered to the Rev. Mr. Wilson, who attended him, a Paper, in which he solemnly declared he was in no Degree conscious of the least Guilt of that most human and most unnatural Crime of which he had been found guilty. This he enforces with Remarks on the Incongruity of the Evidence that had been given against him, with some severe Strictures (who' notoriously known to be true) on the Characters of some of the principal Witnesses, on whose Testimony he had, in a great Measure, been convicted. However, he died entirely resigned to the Will of God, and regretted parting with Life, only on Account of the Distress he should leave his poor Wife and two Infants in.

Partin, Walker, and Gibbons, for a Robbery
on the Thames.

A T the Assizes held at *Kingston*, March 1748-9, Thomas Partin, Thomas Walker, and Arthur Gibbons were indicted for robbing *Henry Allison* on the River *Thames*, of a Silver Coffee-pot, Value

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8*l.* a Silver Watch, Value 40*s.* his Shoe and Kne
Buckles, two Bottles of Rum, a Hat, a Guinea
and 6*s.* in Silver, Feb. 9.

Henry Allison deposed, That on Thursday, Fe
bruary 9, he came to the Tower Stairs, in order
to take Water to go on Board the *Constant Jane*,
Newcastle Trader. He had a Porter with him to
carry his Box; two Watermen plied him, whom
he ordered to carry him to *Horsleydown Chain*, where
the Ship lay; and the Porter having delivered the
Box to the Watermen, they put from Shore.
When they got to the Middle of the *Thames*, he
saw another Man lying in the Stern, as if asleep.
When they got to *Horsleydown* he ordered them to
hale the Ship, and one of them did call out, but
he could not understand what he said; however
he told the Witness that the Ship was not there
but gone to *Cuckold's Point*, and then they rowed
on. He that was in the Stern changed Places with
one that rowed; and soon after the Witness was
struck on the Head with a Hatchet, and by the
Blow he fell from his Seat to the Bottom of the
Boat. He cried out Murder several Times, and
begged for God's Sake they would not kill him.
The Man who struck him said, *D—n you be quiet*
for if you cry out Murder, or make the least Noise
we'll cut off your Head, and throw your Body into
the Thames. They then robbed him of a Guinea
and five Shillings, with the rest of the Thing
mentioned in the Indictment, stopped his Mouth
with a Hankerchief, and tied his Hands; after
which they ran the Boat into the Mud, and
three went away, carrying the Box with them.
He was afraid to call out, lest they should return and
kill him. When they were gone, he untied
Hands with his Teeth, got out of the Boat in
the Mud, and walked, bloody as he was, to a
public House, where the People sent for a Surgeon.

who dressed him. He had three Wounds given him on the Head with the Hatchet; but it being dark, he could not positively say that the Prisoners were the Persons that thus abused him.

Mr. William Johnson, High Constable of the Half Hundred of Brixton, deposed, That having heard of this Robbery on the River, he used his best Endeavours to find out the Villains; that he had learnt they were all Watermen; that he took Partin in an empty House in Love-lane, Rotherhithe, and carried him before Justice Hammond, that Gibbons was taken and sent to the New Gaol; and that Walker was taken at Gravesend.

James Pitcher deposed, That he was Clerk under the Town-Clerk of Gravesend, where the Prisoner Walker was apprehended; that Walker being brought before the Mayor, he heard him acknowledge that he, in Company with two others, did knock Gentleman down in a Boat on the River Thames, near Cuckold's Point, and robbed him of a Silver Coffee Pot and other Things. He took his Confession in Writing, which was voluntary, and afterwards read it to him, and he owned that all therein was Matter of Fact; and the Mayor committed him to Maidstone Gaol.

Partin likewise made a Confession before Justice Hammond, and was very desirous of being admitted Evidence.

Upon the whole, Walker and Gibbons were found guilty. Death. And Partin, on Account of the discoveries he made, was found guilty of Felony, and sentenced to be transported.

Arthur Gibbons, 17 Years of Age, was born in King-street, Gravel-lane, Wapping; his Father was Carpenter by Trade, but has been dead upwards of eight Years, and his Mother six. After he came from School, his Cousin Langley put him Apprentice to Mr. Nott, a Waterman, with whom he lived

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three Years ; but having got acquainted with *Walker*, *Partin*, and some other wicked Lads, they agreed to cut the Cables from the Ships, and supported themselves by robbing on the River and on Shore. He acknowledged the Truth of every Thing the Prosecutor swore, hoped God would forgive him for Christ's Sake, and seemed very penitent.

Thomas Walker, 19 Years of Age, was born in *Redlion-court, Bermondsey-street*, and at a proper Age was put Apprentice to a Hatter ; but not liking the Trade, he went Apprentice to a Waterman in *Rotherhithe*, whom he served near four Years. The first Robbery he committed, in Company with the other two, he said, was a Bottle of Rum from *Mrs. Bailey*, who was a Tenant to his Master. A Week afterwards they broke open a Hut of *Mr Stockbridge's* at the *Ship Alehouse*, and stole a Couple of Ducks, which they had dressed at the *Plaisterers Arms*. They afterwards agreed to go and thieve some Ropes, called *Junk*, and sold them at an old Rope-shop at *Limehouse*, pretending they were taken in a *French Prize*. They denied cutting the Cable of a *West India-Man* at *Limehouse*, which overset and damaged her Cargo ; but confessed other trifling Robberies.

The Day the Fact they died for was committed, they came from *Dulwich*, having intoxicated themselves with the Liquor they called *Hot-pot*, and coming to *Tooley's Watergate*, they took away a Boat, and went to *Tower-stairs*, their own *Partin's Boats* being at their usual Plying-place. Having plied *Mr. Alison*, and taken him into the Boat, the Watch-word was given to *Gibbons*, *Now is the Time* ; but his Heart fail'd, he could not strike him. *Walker* therefore got into the Stern, and imagining the unhappy Gentleman to be out of Reach of any Assistance, redoubled his Blows with a Hatchet.

Hatchet most furiously, till he fell to the Bottom of the Boat.

Gibbons and *Walker* both declared, that *Partin* took the Money from Mr. *Allison*, and kept the Guinea; so that they only shared the Silver and four Pennyworth of Half-pence. *Walker* had the Coffe-pot and the Watch; the first of which he hid little Way in the Earth, and the latter he sold to Watch-maker in the Borough. They said Mr. *Allison* was so kind, on their complaining of the Coldness of the Weather, to give them a Dram of Rum, while they were rowing him, and told them it would satisfy them handsomely if they put him aboard the *Constant Jane*.

When they had done this wicked Deed, they went to *Mother-red-cap's* in Kent-street, and lay there. *Partin* was taken up in *Love-lane*, *Rotherhithe*, and *Gibbons* was soon after taken on *Partin's* Information. *Walker* narrowly escaped being taken with *Gibbons* in *Kent-street*; but by running down a Passage, he made his Escape from his Purasers, and that Night lay under a Hay-rick in a Field at *Camberwell*. The next Day he made the best of his way to *Gravesend*, in order to enter on board a Ship; but a Fisherman's Boy who knew him, and had heard of the Robbery, happening to meet him there, told his Master's Son at his Return Town, that he had seen *Thomas Walker* at *Gravesend*; a proper Person was sent down, and as *Walker* was going to take Boat, in order to go on Board, he was seized, and carried before Mr. *Padding*, the Mayor, to whom he made an ample Confession of the Robbery, as before mentioned. The Mayor committed him to *Maidstone Gaol*, from whence he was removed to *Surry*, and at the Assizes justly convicted, and deservedly suffered.

Jones and Welch, for Murder, 1751.

THE solemn Declaration made by *Richard Coleman*, and by him given to the Rev. Mr. *Wilson* at the Place of Execution, asserting his Innocence in regard to the Murder of *Sarah Green* has since appeared uncontestedly true, and consequently that he suffered wrongfully. For Providence, which has always an Eye on the Villain, as well as the good Man, at length brought about Discovery of the real Perpetrators of this horrid Act of Barbarity, after it had lain dormant for about three Years. Who these Wretches were, with the Manner of their Detection, will appear from the following Trial :

At the Assizes held at *Kingston upon Thames*, August 1751, *James Welch* and *Thomas Jones* were indicted for the Murder of *Sarah Green*, July 2, 1748.

James Bush deposed, That he was intimate with the two Prisoners ; that about a Year ago *Welch* came to him one Saturday Morning, and asked him to go with him to *Kennington Common* to buy some Chickens ; it was a little while after *Roney* was hanged, in the Summer-time. They went together to Mr. *Stanley's* at the *Green Man* on *Kennington Common*. Talking about *Roney*'s dying wrongfully, *Welch* called him aside, and, swearing a general Oath, said, ‘ A great many Men die wrongfully ; and that *Coleman* died wrongfully ; for,’ said ‘ *Nichols*, *Jones*, and I were the Persons concerned in that Murder, for which he was hanged ;’ ‘ we had been at *Sot's Hole* drinking, coming along *Kennington Lane*, I met with a Woman, and walked with her till we came to the *Parson's Walk*, *Newington Church Yard* ; there *Nichols* was concerned with her ; ’

Jones next ; and then I went to lie with her, and she was all over nothing but Blood ; the Tail of my Shirt was so bloody I was obliged to wash it, fearing my Mother should know any Thing of the Matter. What makes me think this was the Woman *Coleman* suffered for, is, that there were two Brewers Servants along with *Coleman*, because I believe she took me for *Coleman* ?

Thomas Bush (Father of the last Witness) deposed, That coming over *London Bridge*, he met his Son, who asked him to drink. He said, Father, have not been well, and I am afraid I shall die ; have something to disclose to you ; saying, *Coleman* died wrongfully. The Witness wanted to know who it was committed the Murder. His son told him, *Nichols* and the two Prisoners did the fact. The Witness and his Son went to the *Golden Anchor* on *St. Margaret's Hill*, and called for a Tankard of Beer ; and seeing *Jones* walking under the Piazzas, he beckoned to him, but he would not come ; then his Son went to the Door and called him, and he came over and asked what he wanted. He told him his Son had informed him of such a terrible Thing, that it frightened him ; which was, that he, *Nichols* and *Welch* were concerned in the Murder of *Sarah Green*. He was all of a Trembling, and said, *What signifies it ? the Man is hanged and the Woman dead, and no Body can hurt us* ; adding, *we were concerned with a Woman, but who can tell that was the Woman Coleman died for ?* After this, he often threatened the Witness very hard, and that he would have him in Gaol ; for which purpose he got a Note that one Mrs. *Arthur* had, to arrest him for 40 s. and said, *Sopp should serve it* to him for scandalizing his Son.

John Nichols, the Accomplice, deposed, That he knew *Sarah Green*, and had been in her Company, but did not know her Name. He and the Prisoners

went together to *Sot's Hole* to drink, the 23d of July. After drinking three or four Pots of Ale, they came away, intending to go home. The Witness walked about twenty Yards before them, and met a Woman, and asked her whether she would please to go and drink. She said she did not care to drink there; but if he would go with her to the *King's Head* she would treat him with a Pot of Beer. He went there, and she called for a Pint of Beer: *Welch* and *Jones* came in and called for a Quatern of Gin, they drank it and went out, and bid him good Night; and he saw no more of them till he came into *Newington Church Walk*; then the Prisoners came up to him. They took her away from him by main Force, as she had hold of his Arm; *Welch* threw her down directly; *Jones* took hold of her Legs, and dragged her along. The Witness called out, and said, For shame, do not use the Woman ill. *Welch* said, D—n your Eyes, what is it to you; said *Nichols*, What, are you going to murder the Woman? Said *Welch*, D—n your Eyes, you have had to do with her, and I'll have to do with her too. No, said the Witness, I have not had to do with her, neither shall you. He said, D—n your Eyes, if you go to meddle with her, or touch either one of us, I'll stick you. *Jones* said the same. The Witness went away about twenty Yards, and saw *Welch* lie down to her, and thrust his Hand under her Coats; and he saw his Hand and his Wrist band all bloody. After that, he saw *Jones* lie down to her, but did not see him meddle with her in the Manner the other did. He asked them, if they were not ashamed of themselves. They answered D—n your Eyes, if you have a Mind to go and have to do with her you may; I'll answer for it, she cannot follow us. No, said he, you have done her too much Damage; so bid them good Night and went home to Bed. He added, the Woman

cried out, O, Lord ! O God ! don't for God's Sake ! you'll murder me ; I'd rather you would kill me outright.

Mr. *Pierce* and Mr. *Girle*, two Surgeons of the Hospital, gave the same Account of the Condition *Sarah Green* was in, and their Opinion that she died of the Injuries she had received, by Violence, in her private Parts ; as the Reader will see in *Coleman's Trial*.

The Witness (*Nichols*) on his Cross-examination, said, he never discovered this Affair to any body till after they were taken up ; and though his Father had often taxed him with it, yet he never would tell him. And the Reason why he did not discover it at the Time when *Coleman* suffered (tho' he knew he was innocent) was, because they were continually threatening him, that, if he did, they would do him a Mischief ; and used to say, the Woman is dead and the Man taken up, and no body can hurt us.

The Prisoners had but little to say in their Defence, besides denying the Fact. *Jones*, indeed, would have persuaded the Court, that the Witnesses had swore against them for the sake of the large Reward of 120*l.* which the principal Inhabitants of the Borough had promised to give the Person or Persons who should make a true Discovery of the real Perpetrators of this barbarous and inhuman Murder. The Jury, however, were of Opinion, that the Prisoners only were the Actors in this dismal Tragedy, and found them guilty accordingly. — Death.

While under Conviction, they were attended by the Rev. Mr. *Howard*, to whom they made their Confessions severally, which he took down in Writing, which they signed, and declared, upon the slopes of Salvation, the same to be true : That *Jones* is as follows :

He, *Thomas Jones*, confessed, that upon a Saturday in the Afternoon (the Day and Year he could not exactly recollect) but at the Time as has been mentioned, *Nichols* and *James Welch* came to him, then sitting at St. Margaret's Hill, and asked him to take a Walk with them; that they went together to a Place called *Sot's Hole*; and coming back, between Sir *Abraham Shard's* and the *White Hart* in *Kensington Lane*, they met with a Woman in a striped Cotton Gown; that *Nichols* catched hold of her, and asked her to drink; upon which the Woman said she was going to the *King's Head*, there being a Bean-feast; that *Nichols* would go with her, and they (*Jones* and *Welch*) followed him; They (the Woman and *Nichols*) had some Beer by themselves, and *Welch* and *Jones* called for a Diam or a Pint of Beer, he, *Jones*, could not recollect which: That then they came from the *King's Head* behind *Nichols* and the Woman, till they came to the *Parson's Walk*, near *Newington Church*; upon which *Nichols* threw her down, and used her very rudely; then they (*Jones* and *Welch*) came up, and then he (*Jones*) attempted to lay with her; upon which *Nichols* and *Welch* pulled him away, and would not let him; then *Welch* attempted to lay with her, and then they all came away, and the Woman went away by herself. *Jones*, for his own Part, declared, as a dying Man, that he did not use her ill otherwise than by attempting to lie with her; nor did he know of any Body's using her in that Manner as has been related; but that *Nichols* was the first Person that pulled her about and used her rudely; but could not say he did it in the Manner as has been mentioned. He said they were all in Liquor, and he believed none of them had a Design to murder the Woman; and did not think of any such fatal Consequence as hath happened: That he (*Jones*) never knew *Coleman*, and die

did aver and declare, that *Coleman* was not with them in that affair. Upon the best of his (*Jones's*) memory, *Nichols* called himself *Coleman*, and altered his Name before they went with the Woman, that is, their first Meeting with the Woman, he (*Nichols*) said to them, (*Jones* and *Welch*) call me by the Name of *Coleman*. The Woman, after it was over, went by herself towards *London*, and *Nichols*, *Jones*, and *Welch*, crossed the Fields to *Walworth*, into a Barn to other loose Women, and they continued all together till Morning. — This all he then owned of the whole Affair, as he was a dying Man, and hoped for Mercy from hisaviour Jesus Christ.

Signed Sept. 2. 1751.

Thomas Jones.

This Malefactor was born in the Parish of *St. Saviour, Southwark*, was only 22 Years old last May, and plied at *St. Margaret's-Hill* as a Porter, and was entrusted by Gentlemen with Goods of Value.

Copy of a Letter to Thomas Jones from his Sister.

‘ Dear Brother,

‘ You may easily guess the great Affliction I am under, upon Account of your unhappy Situation; and I have done all in my Power to procure your Sentence to be altered to Transportation; but your Crime (if you are guilty of it) is so great, that all my Attempts have been in vain: And I beg, for God Almighty’s Sake, you would resign yourself to him, and prepare for Eternity, for there is not the least Hopes of your Sentence being reversed.—I would most willingly have complied with your Request, and

178 Jones and Welch, for Murder.

• have come to you, but you know I am but a
• Servant ; and my Master and Mistress both dis-
• approve of it, saying, I am now almost unfit for
• Business on your Account, and if I should see
• you, I should be worse ; therefore what can I
• do in the Case ? You shall have my Prayers ;
• and if you wanted any Thing in my Power to
• give more, I would not deny, and I will always
• be a Friend to your Family ; but hope you will,
• for the Reasons above, excuse my coming to
• you, and you'll oblige

‘ Your afflicted Sister,

Richmond, Aug. 15,
1751.

• Eliz. Jones.

A Copy of a Letter from Thomas Jones to his Sister.

‘ Dear Sister,

• These Lines I write to you, being the last
• you will ever have from me ; hoping you are
• well in Health as possibly can be expected, from
• the Dread you must have upon your Spirits, for
• me your unfortunate Brother, now in a very
• unfortunate and unhappy Station.

• I hope all good Christians will not cast new
• Afflictions on you, as you know nothing of this
• unhappy Affair which has happened ; from

‘ Your loving Brother,

Sept. 6. 1751.

• Tho. Jones

• P. S. If you would be so good as to ask your
• Master and Mistress the Favour of letting
• you come to my Funeral, I shall take it as
• a great Favour.

T

The Confession of James Welsh, in a Letter wrote
and signed with his own Hand.

New Gaol, Sept. 6, 1751.

S I R,

According to my promise which I made to you, before I departed this Life, of making a full Confession of every Thing that I know in regard to this horrid and most villainous Crime, I cannot take upon me to say where it was that we three met, but it is true that we went to *Sot's Hole* together; and staid drinking there some Time. When we went away from that Place, just as we all got into *Kennington-Lane*, we met this Woman; *Nichols* was the first who laid hold of her, and went back with her to the *King's Head* in *Kennington-Lane*, we following them at a little Distance; and after they had got there, and called for a Pint of Beer, I and *Jones* came in after them, and called for a Quartern of Gin. Then we all went away; and just as we came into the *Parsonage Walk*, near two of the Trees, *Nichols* threw the Woman down, and used her in a very barbarous Manner, dragging her along the Ground, in such an inhuman Manner, that I told him for God's Sake to let the Woman alone; but I could prevail nothing with him; and if any Person was guilty of that horrid Crime, it was *Nichols*. As *Jones* attempted to lay with her next, who did lay with her but a very short Space of Time, so that it cannot be thought it was him; and I being the last that lay with her, though not the Space of a Moment. And as I shall answer for the Truth of what I have wrote here in a short Time, before Almighty God, I heartily forgive *Nichols* for falsely swearing against me, that I did run my Hand up the Woman's Body,

180 Jones and Welch, for Murder.

• which I declare to God and Man, that I never
• used any Woman ill in my Life, to put their
• Life in Danger. I cannot help expressing my
• great Concern for *Coleman* going out of the World
• as he did, as he appears innocent of the Crime
• laid to his Charge by the Woman; sure then he
• is happy! I cannot say that I ever knew him,
• nor was he with us that Day; I cannot remem-
• ber where we went after we left the Woman;
• but *Nichols* went with us, and left the Woman
• in the *Parsonage-Walk*.

• Signed *James Welch*.

*A Copy of a Letter from James Welch to Cole-
man's Brother.*

Condemned Room, Sept. 6, 1751.

• Mr. *Coleman*,

• According to my Promise which I made to
• you, in order to give you an Account in a few
• Lines; for I cannot go out of the World with
• Lie in my Mouth; and in Conscience Sake to
• you and your Family, as well as to your Bro-
• ther's dying innocent; for his Death was occa-
• sioned by *Nich-s*, *Jones* declaring that he heard
• *Nich-s* tell the Woman, that his Name wa-
• *Coleman*: So I hope this will suffice you of your
• Brother's Innocence, and hoping that none of your
• Family bears me any Ill-will, or any that belong
• to me. I should have been glad, had *Nich-*
• saved your Brother's Life, but he was the mon-
• Villain, and undoubtedly he will meet with his
• Reward at the latter End. I heartily forgive
• all your Family, because they have done me no
• Wrong, and am, dear Sir,

• Your most humble Servant,

• *James Welch*

Thom

Thomas Supple, for the Highway, 1749.

AT the Assizes held at *Croydon*, for the County of *Surry*, in *August*, 1749, *Thomas Supple* was indicted for robbing *Thomas Hughes*, *Adam Wright*, and *Edward Reynolds*, on the Highway, of two Watches, some Jewels, and other Things of great Value, *July 1*.

The Gentlemen who were robbed swore to the Prisoner: From *Mr. Hughes* they took a Gold Watch, 17 s. and two Shagreen Cases, containing three Diamond Rings, and a Pair of Diamond Ear-rings; from *Mr. Wright*, a Silver Watch, and 10 s. and from *Mr. Reynolds*, two Rings, and his Money.

James Mackay, an Accomplice, confirmed the Testimonies of these Gentlemen, and said, that the Robbery was committed near *Kingston Gallows*, about 6 o'Clock in the Morning.

Upon this Evidence the Jury found the Prisoner Guilty. Death.

This is a short State of the Fact: But as a fuller Account was given of this Affair, at the Sessions in the *Old Bailey*, held in *September*, 1749, on the Trial of *John Godard*, the Receiver of these stolen Goods, an Extract from it will shew the Particulars of the whole Transaction.

Mackay deposed, That he and *Supple* went out the 31st of *June*, and *July 1*, they met *Mr. Wright*, *Mr. Reynolds*, and *Mr. Hughes*, at the Foot of *Gallows-Hill*, within a Mile and a half of *Kingston*; *Supple* stopt the first Chaise, in which was *Mr. Hughes*; *Mr. Wright* and *Mr. Reynolds* were in the other; they took from *Mr. Hughes* a Gold Watch, 3 Diamond Rings, 2 Diamond Ear-rings,

two of these were Mourning Rings, the other a Rose-Diamond, and there were five Diamonds on each of these Rings; the Ear-rings had nine Diamonds in each. They took from Mr. Wright a Silver Watch with a Steel Chain, a Gold Seal, with a Cornelian set in it, and a Silver one, with a Cornelian in it. From Mr. Reynolds they took 2 Rings, and about 6 or 7 Shillings in Silver; but on his desiring the Rings, they returned them. After they had done the Robbery, they went that very Night to Godard's House. He asked them what Luck? They told him, pretty well. The next Day, being Sunday, they brought the Goods, and lodged them in his Hands till Monday Morning, and then he bought them of them for 13*l.* for the whole. Mackay's Wife came in at the Time of paying 5*l.* of the Money to Supple; Godard took her by the Shoulder and turned her out, saying, she had no Business there; they had 6*l.* 10*s.* each to his Share. Godard said, he might have had the Goods for 10*l.* and blamed his Wife for offering so much. The Witness heard Godard say, he would take the Watch to Pieces, and eraze out the Name and Number; he took the Pistols, and lodged them in his House for three Days and three Nights.

Mackay's Wife deposed, That coming to Godard's House to enquire for her Husband, Godard took her by the Shoulder and pushed her out of the Door; the upper Part of which being Glass, she looked through, and saw a Gold Watch lying on the Dresser, and a Shagreen Case for the Rings; she saw the Prisoner take out a Silver Watch, and had two Diamond Rings on his Little-finger, and one on his Fore-finger, and was looking at them. After this Godard came out of the Room, and said, he might as well have bought them for 10*l.*; for they

they (her Husband and *Supple*) were but young in the Affair.

Mr. *Wright* deposed, That on the 1st of *July*, as he, Mr. *Reynolds*, and Mr. *Hughes*, were coming from *Kingston* to *London*, they were robbed by *Supple* and *Mackay*; that his Watch was worth 6*l.* the Gold Seal about 15*s.* and the Silver one about 7*s.* 6*d.* and the Steel polished Chain cost him Half a Guinea.

Mr. *Hughes* deposed, That he happening to be first, a Man started out of a Thicket, with a Horse-pistol, and said, *D——n you, Sir, your Money.* This was *Supple*, who made him turn all his Pockets, and took his Watch, &c. and then bid him open the Seat of the Chair, swearing at every Sentence. Mr. *Hughes*, taking out a Band-Box tied up in a Handkerchief, said, *Here is nothing but a few odd Things*; but being forced to untie it, there were two Shagreen Cases; he cried *D——n you, Sir, give me them*; in the one were three Diamond Rings, two of Mourning; in the other Case were two Ear-rings. The whole of what he lost cost upwards of 100*l.* the Gold Watch only cost 25*l.* the Gold of which weighed 13*l.*

Godard was found guilty of the Indictment, and sentenced to be transported for 14 Years.

Thomas Supple was 32 Years of Age, born at *Kilmainham* near *Dublin*, in *Ireland*, of honest and well-respected Parents, but was never put to any Business; for his Father being a Gentleman of some Consequence, thought it beneath his Dignity that his Son should be a Tradesman. *Supple*, before he was 18 Years old, enlisted himself into his Majesty's Service, and had served both in the Horse and Foot Forces, but never was an Officer in the Land-Service. He was very reserved as to making any Confession, and only said, that he had served 12 Years in Sir *John Ligonier's* Regiment, and

184 Thomas Supple, for the Highway.

and was at the Battle of *Dettingen* and *Fontenoy*, where he behaved with great Courage and Resolution, and was well respected by his Officers, and all that knew him. On the Conclusion of the Peace he was disbanded, and came to *London*; and by the Recommendation of Friends, he was made Master at Arms on Board the *Rainbow* Man of War, and behaved pretty well during the Time he continued on board that Ship. The Account he gave of himself, after his Discharge from the *Rainbow*, was, that he went to *Russia* to transact some Business relating to his own private Affairs, very ill agreed with what *Mackay* the Evidence said against him, who declared, that they were guilty of many Robberies, and that they had robbed the *Reading Mail* some Time ago; and, from the Description the Post-Boy gave of the Robbers, *Supple*, (in all Probability) must be one of the Men; because his Stature and Dress, (being in the Habit of a Sailor) was by the Post-Boy particularly taken Notice of. His Devotion and Attention was uncommon in a Person under his unhappy Circumstances; his Behaviour was grave and sedate, and he shewed extraordinary Signs of a sincere Repentance; and in this religious Frame and Temper he continued to his last Moments.

Supple greatly lamented the irregular Course of Life he had led, and owned that he had committed many Vices incident to young Men, but never was guilty of Murder, though there was Reason to think his Confessions were not so ingenuous as might have been expected. He seemed to retain some Bitterness towards *Mackay*, and declared, that as *Mackay* had the Favour of being admitted an Evidence, he had, on his Oath, and in public Discourse, said many Things that were not true; but in Part, what was sworn against him, he did not deny.

Dawson

Dawson and Gammel, for the Highway,
1749.

AT the same Assizes, held at *Croydon*, in *August*, 1749, *Hugh Dawson* and *John Gammel* were indicted for assaulting *Richard Outridge* on the Highway, putting him in Fear, and taking from him a green Purse, One Shilling, and a Pocket-Piece, *July 26.*

The Prosecutor deposed, That on the Day mentioned in the Indictment, about 11 at Night, he was robbed by the Prisoners on the Road leading to *New-Cross*.

Walter Standford and *George Turner* deposed, That on hearing there were Footpads on the Road, they pursued and took *Dawson*, and the Purse the Prosecutor had sworn to was found on him; that he gave Information where *Gammel* lodged, and that they (the Witnesses) with the Assistance of *Mr. Thomas*, *Mr. Dutton*, and *Mr. Stent*, apprehended him in Bed; and when they were confined in the Watch-house, they accused each other of the Robbery. Having nothing to say in their Defence, the Jury found them *Guilty. Death.*

Hugh Dawson, 43 Years of Age, was born at *Londonderry*, in *Ireland*, of honest and reputable Parents; his Father was a Stationer and Book-Binder, but gave him but little Education; for having a near Relation that was Master of a Ship, his Father sent him to Sea with him when he was but nine Years of Age, and he had continued in that Way of Life ever since. The Account he gave of himself was as follows.

‘ As I was always a Favourite of my Mother; I
‘ never wanted a Supply of Money, and genteel
‘ Apparel, suitable to the Credit my Father lived
‘ in. Whenever I came off a Voyage, I always
‘ kept Company with the gay and young; and at
‘ the Age of 17, I fixed my Affections on a most
‘ agreeable young Woman, who, I believe, had
‘ an extraordinary Affection for me; and I am
‘ certain we should have been very happy in the
‘ Marriage State, for she was a most agreeable
‘ tempered young Woman as ever lived. But
‘ that Happiness was more than Providence thought
‘ fit to bestow on me. Our Amours were carried
‘ on with great Secrecy for some Time; but at
‘ last, most unfortunately for her, as well as me,
‘ it was discovered that she was with Child by me.
‘ This was a great Affliction to her Parents, who
‘ were in good Circumstances. They made Over-
‘ tures to my Father, for me to marry their Daugh-
‘ ter, and save her Honour; and offered to give
‘ her a Portion, if my Father would give a suitable
‘ Sum with me: This I ardently wished for, but
‘ my Father would not bear to hear any Thing
‘ mentioned about Marriage; and notwithstanding
‘ my Tears and Entreaties, remained inflexible;
‘ and from that Time I may date my Misfortunes.
‘ Being thus crossed in Love, I left my Father and
‘ Mother, and vowed not to see them in three se-
‘ ven Years, and I have not seen them since. I
‘ have, the greatest Part of my Life, been em-
‘ ployed in his Majesty’s Service at Sea. I was in
‘ the *Kingston* Man of War at the taking of *Cape*
‘ *Breton*, and have served my King and Country
‘ on Board several Ships of War; the last of which
‘ was the *Lancaster*. About 12 Years ago, my
‘ Father died, and then I had some Thoughts of
‘ returning home to my Mother; and I wish I had
‘ come to that Resolution, which would, in all
‘ Like—

Likelihood, have prevented my present Misfortunes. About eight Years ago I was arrested at Bristol for Debt; I sent over to Londonderry to my Mother, and acquainted her with my Misfortunes; and as soon as she was satisfied with the Truth of this, she sent me 50*l.* to release me. About 14 Years ago I married a Wife at Sandwich, in Kent, of very creditable Parents, with whom I had a plentiful Fortune, and we lived happily together; she died about 6 Years ago, which was a great Grief to me. I have two Sons now living that I had by her; her Relations at Sandwich take care of them. Upon concluding the Peace, the Launceston Man of War was paid off, and I was discharged from her; and about 13 Months ago, I married the Widow of a Sailor that had some Money; she was a very good Wife to me, and an entire Stranger to my Course of Life. I hope that no one will be so cruel as to reflect on her on my Account; I have led a very wicked Life, and when in Liquor, (which I have been too much addicted to) was always ready to engage in any desperate Enterprize. Frequenting of Night-Houses, and other bad Houses that harbour all Manner of Thieves, brought me into evil Company, and has been the Occasion of bringing me to this untimely End. I hope that my Brother Sailors will take Warning by my unhappy Fate, and shun bad Company and vile Houses; and not, after having gloriously served their King and Country, commit enormous Crimes, and bring themselves to an ignominious Death. Since I have been under Sentence of Death, I have been visited by a Priest of the Church of *Rome*, (but by whose Instigation I know not) who took great Pains to persuade me that I was of their Communion,

and

‘ and said, he was well informed that my Relations were Roman Catholics. I told him that they were Protestant Dissenters; and that, ever since I was capable of judging of Right and Wrong, I have professed no other Religion but the Holy Catholic Church, as established by the Laws of England; and I declare to the World that I die in that Faith. I acknowledge the Justice of my Sentence, and do most humbly desire all, and every one whom I have offended, that they would forgive me; and I do freely and heartily forgive all the World; wheresoever any have offended me, or done me any Manner of Injury whatsoever, even as I desire to be forgiven of God, and to be absolved from my Sins, for the Merits of my blessed Redeemer.’

He always attended divine Service with a seeming Devoutness; but there is little Reason to believe he was sincerely penitent. He appeared to be a very surly ill-natured Fellow. In the Afternoon of the Day before Execution, after he had been at Prayers, he was permitted to sit for half an Hour in the Tap-room with his Wife and some Friends; when the Time was expired, the Turnkey came to conduct him to the Condemned Room; but he refused to go with him, and threatened to knock him down; and as he went across the Yard to the Room, he jumped and capered, and cried out several Times, *My Boys, Dawson is to be hanged To-morrow.* The Minister being near him, (which *Dawson* did not know) rebuked him severely; and at Night, when his Wife came to him with some Subsistence, (which she never failed to do two or three Times a Day) she went to salute him; he took hold of her, and with great Violence threw her to the Floor, and beat her

very

very much, and would have killed her had he not been prevented by the Turnkey and others ; and because he could not put his wicked Intentions in Execution, he threatened to stab himself before the Morning. The Keeper being acquainted with it, had him searched, and two Knives were taken from him, which he secured for Fear of doing himself any Mischief. When he came down to Prayers in the Morning, the Minister was made acquainted with his Behaviour, and severely reprobred him, which caused Tears to flow from his Eyes, and he expressed great Sorrow for what he had done.

The following is a Copy of a Letter, found in the Condemned Room, wrote by Dawson to a Cousin of his, and directed to Mr. James Dougherty, at Tower-Ditch, next Door to the Red-Lyon, London.

‘ Dear Cousin,
‘ I am sorry to tell you I am to die To-morrow,
‘ and would be very glad to see you before I die :
‘ I am the Son of *Hugh Dougherty*, the Son of
‘ *Bryan* and *Hugh*, in the County of *Donigall*, and
‘ Barony of *Enishawen* : I am near Relation to
‘ *Owen Dougherty* of *Green-Castle*, and of *Bryan*
‘ *Dougherty’s* of *Tuam*. I should be glad to see
‘ you, which is what offers from your humble Ser-
‘ vant,

‘ *Hugh Dougherty.*

‘ P. S. My kind Service to all Friends. You
‘ may let my Friends know my Wife has dis-
‘ covered all she knew of me to the Parson.’

James

James Gammel was 27 Years of Age; born at *Maidenhead*, in the County of *Kent*; he followed the Employ of Husbandry till within three Years past, when he left that, and shipped himself on board a Man of War, where he did not behave so well as he might, being of an idle Disposition. He was grossly ignorant of religious Matters, but freely confessed the Crime for which he suffered, and was very desirous of seeing some Persons that he had assaulted and robbed, that he might beg pardon on his bended Knees. He said, he heartily forgave every Person that had injured him, and hoped, those whom he had injured would have the same Christian Charity, for that he died in Peace with all Mankind, expecting to be saved through the Merits of his Saviour and Redeemer, *Jesus Christ.*

Neale and Bowen, for the Highway.

AT the same Assizes, *Thomas Neale* and *William Bowen* were indicted for assaulting and robbing *Mr. Paul Ryley* on the King's Highway, near *Kingston*, in *Surry*, of 7*l.* in Gold, and some Silver, *September 16, 1748.*

The Fact being plainly proved by the Evidence of the Prosecutor, and of *Vincent*, an Accomplice, they were found *Guilty*, and received Sentence accordingly.

Thomas Neale, otherwise *Neland*, which, he said was his real Name; and that he was born at *Denbigh*, in *Wales*, though most of his Acquaintance said he was born in *Ireland*. He chiefly used the Sea, and served on board several Ships of War. But little Credit could be given to what he said himself.

himself. He absolutely denied to the very last, that he knew any Thing about the Robbery committed upon Mr. Paul Ryley, or was concerned in it, directly or indirectly; and as to his Acquaintance with *Bowen* and *Vincent*, it was merely transient and accidental. He owned indeed, that he was once taken up in their Company for stealing a Silver Tankard, for which he was tried at *Hertford* Assizes, convicted, and received Sentence of Death; but, through the Interest of the Duke of *Cumberland*, was reprieved for Transportation; and yet even this he denied.

Bowen and *Vincent* were committed at the same Time to *Hertford* Gaol on Suspicion, and at the Assizes were ordered to be released upon Bail, as no Evidence appeared against them: But before they could get their Bail ready, Mr. *Ryley*, who had been robbed by three Men on Horseback at *Gallows-Hill*, near *Kingston*, being informed there were three suspicious Fellows in *Hertford* Gaol, he went down, and when he saw *Vincent*, *Bowen*, and *Neale*, he swore positively to all three of them; upon which they were detained, and afterwards removed by *Habeas Corpus* into *Surry*, and *Bowen* and *Neale* were tried at *Croydon* as before-mentioned, on the Evidence of Mr. *Ryley* the Prosecutor, and *Vincent*. *Neale* is reported to be one of the most wicked, ignorant, and dangerous Villains that ever lived, and that he shewed no Signs of Repentance; and his Behaviour at the Gallows was similar to this Character of him. He behaved there in the most impudent Manner, pulling and turning the Rope about several Times, and laughing at the People. When the Cap was pulled over his Eyes, he put it up again, and addressed himself to the Spectators, as if he was going to say something of Consequence, and spoke thus:—*I shall very soon see my Lord Balmerino; he was a good Friend of mine*

mine; so that's what I have to say, and d——n you all together. He then pulled down his Cap; and so died this hardened wicked Wretch.

The Account which *Bowen* gave of himself was as follows: ‘ My Intentions were not to give the World any Account of my Life and Transactions; but I was induced to it on account of Thomas Neale’s denying the Fact, that we were very justly found guilty of, at the late Assizes at Croydon.

‘ My Name is William Brown: I was born at Londonderry, in Ireland. My Parents were honest industrious People, who kept an Inn, and were beforehand in the World. I had Education sufficient for the Business my Father intended me for; namely, to succeed him in the Inn. Being grown up, and the eldest Son, (by the Indulgence of a good Mother, who supplied me with Money unknown to my Father) I took more Pleasure than I ought to have done; this brought me into the Company of many extravagant young Fellows of Fortune, who led me into all Manner of Debauchery and Wickedness. My Father dying about 8 Years ago, left me, a Brother, and two Sisters, in Possession of the House and Business. I continued my extravagant Life, and had the Ambition to keep Company with Gentlemen who had Fortunes to support them; which soon exhausted my Stock. I got what Money I could of my Sisters, and came away for England, where I met with some of my old Companions, with whom I soon squandered away what I had. Being now moneyless, and without Credit, I resolved to try my Fortune at Sea, and accordingly entered myself on board a Man of War, and served in several Ships; from which being at last discharged, what Wages I received

received, I soon spent like an Ass, (as we Sailors generally do) in frequenting Night-houses, and other disorderly Places about *Drury-Lane* and *Covent-Garden*, which entertain and harbour all Manner of Thieves; one very bad House, in particular, I frequently used, was the Sign of the *Bull and Bowl*, in *Church-Lane*, near *Rag-Fair*, kept by one *R—M—s*, a very wicked Fellow. I was concerned in several Robberies; and when in Health, was a stout young Fellow, dreaded nothing, and ever ready to enter upon any desperate Action. One Day, a Companion of mine was apprehended for a Street Robbery, and was going to *Newgate* in a Coach; I and some others having some Notice of it, we soon overtook the Coach, and rescued the Prisoner. This Affair making a good deal of Noise, I did not appear so publickly as I had done for some Time; I left *London*, and went down to *Liverpool* to see my Brother, who, as I was informed, was just arrived there from Sea, to which he had been bound Apprentice, and not out of his Time. When I came there, he was gone to *London-derry* to see his Relations. I wrote a Letter to him, but not having a speedy Answer, and my Money being almost gone, I set out for *London* again; and I pawned my Handkerchief for 14 d. When I came into *London*, I called at the *Fox* in *Drury-Lane*, to see for some of my old Companions, and know how Matters had been conducted since I left *London*; and when I came home to my Lodgings in *Little-Match-Walk*, near *Ratcliff-Highway*, I was informed that *Tom Neale* had been to ask for me.

On the 16th of September, 1748, before I was up in the Morning, *Neale* and one *Vincent* called on me at my Lodgings. This *Vincent* I had never seen before, and if I never had seen him,

‘ it might have been happy for me. By the Intercession of his Friends, the Prosecutor got him admitted an Evidence, which was a very lucky Escape, and hope it will be a Warning to him. My Companion that I lived with, was preparing to wash my Shirt, but they coming in, prevented it. Neale said, *Come, get up, and take a Ride with us.* I would willingly have excused myself, and told him, I had no Money; O! said Vincent, *never mind that, we will soon get Money.* So I got up, and we drank a Dram each, and we set out together; and coming to Virginia Street, Neale said, he must call at Dick M— to get a Pair of Boots and other Things; and appointed to meet Vincent and me at a Public-house in the Borough, and so left us. Vincent took me to his Lodgings in St. Catharine’s, and lent me a Pair of Stockings, and produced two Pistols and a Scymitar, which he fixed about him, under his Great-Coat. We then went to the House in the Borough to meet Neale; when he came, he asked Vincent to go with him to the Bell and Bear Inn to hire some Horses for Gravesend, which they did; but our Intention was not to go there. Vincent having a Relation at Kingston, and being very desirous to see him, we concluded to go there to Dinner. In about half an Hour they came mounted to the Door; Vincent paid the Reckoning, and they rode down the Borough, and I followed them; we stopped at the Dun-Horse Inn to get a Horse for me, at the Ostler having a Horse to return to Gravesend I agreed with him for 5 s. and Neale paid it; mounted, and we rode on; and at a Saddle Vincent bought me a Whip, and then we set like Madmen, riding helter-skelter, as fast as our Horses could go; and on the Road Neale’s Horse threw one Shoe and broke another near Wan-

worth; we stopt at an Inn, and at a Farrier's had the Horse shoed, and then set out in the same Manner as before, and never stopt till we came to a Public-house near the Turnpike, at the Bottom of *Gallows-Hill*, where we got off, and gave our Horses some Bread and Strong-beer, drank a Dram of Gin, mounted, and rode a moderate Pace towards *Kingston*; and, on the Road, *Vincent* gave me a Brass-mounted Pistol, which I put into my Bosom. He likewise gave *Neale* a large Horse or Ship-pistol, with a Hook to it, which he hung to a Handkerchief, tied round his Middle under his Coat. *Vincent* said, he had loaded them well with Swan-shot, and he had a Scymitar in the Lining of his Great coat for himself. When we came to *Kingston*, we put up at a House near the Bridge. Here *Vincent* sent for his Friend, who belonged to the Blues, and quartered at that Town; he came, and we dined on a Spar-rib of Pork. We drank Punch very plentifully, and became so mad at last, that we put Mustard and Vinegar into the Punch, stirred it about with our Hands, and then drank it. Being pretty near Evening, we paid our Reckonings, mounted, and set off upon our former Resolution, of robbing the first Man we met; and meeting a Man near the Sign of the *Fox* and *Cney*, he perceived our Intention to rob him; but being better mounted than any of us, he fairly rode away from us. Afterwards, coming to the Top of *Gallows-Hill*, we met Mr. *Paul Ryley*, the Prosecutor; *Neale* was foremost, I next, and *Vincent* last; *Neale* let Mr. *Ry'ey* pass; but as he came along-side of me, I took hold of his Collar, and pulled him off his Horse, and that Instant quitted my own, which ran away, and *Neale* rode after him to catch him. I put my Knee upon his Breast, and he cried

" out, *Pray, don't hurt me; for I am a poor lame
Man.* I made use of some unbecoming Expressions, and told him, if he made any Noise, I would blow out his Brains. *Vincent* sat on his Horse all the Time, to observe if any Persons were coming, that we might not be surprised. After I had got his Money, I took his Whip, and left him to follow his Horse, and catch him as he could, for *Vincent* had whipped him, and made him run away.

" By the Time I had done the Busines, *Neale* came back with my Horse, which I mounted, and *Neale* suspecting that I might sink some of the Money, (as indeed I did a 36s. Piece) rode a little Way towards *Kingston* after Mr. *Ryley*, and said to him, *Farmer, how much Money have you lost?* But what Reply was made, I could not hear. We then rode for *London* as fast as our Horses could go, till we came almost to *Wandsworth*, when we stopt, and consulted about going over to *Fulham-Bridge*, and so to *Hyde-Park-Corner*; for as the Horses were hired in the *Brough*, we would not go that Way. At the *Greyhound Inn* at *Hyde-Park* we divided the Money of which we had robbed Mr. *Ryley*, except the 36 s. Piece of Gold that I sunk upon them. Each Man's Dividend came to upwards of 40 s. and in particular, I remember that *Neale* had two Guineas in Gold, and some Silver; and *Vincent* had for his Share, one Moidore, a Half Guinea, and some Silver; we drank very plentifully of Punch, and went late to Bed, and *Neale* lay by himself in another Room; where he got up in the Morning, *Neale* had Beef-stake for Breakfast, and we had Tea and Bread and Butter; when we came away, the Landlord insisted on treating us with Half a Pint of Rum. We told him, we were going to *Highgate*,

did not very well know the Way; he very readily shewed us the Way, and went half a Mile with us. When I came to *Highgate*, I called for my Handkerchief. We then rode to *Barnet*, and put up at the *White-Hart Inn*, and drank several Tankards of Bumbo; but drinking very hard the Day before, and sitting up too late at Night, we were drowsy; so *Vincent* and I laid down on a Bed up two Pair of Stairs, and in the mean while *Neale* had been detected in stealing the Silver Tankard that we had been drinking Bumbo out of; he was carried before a Magistrate; and they swore they took the Tankard out of the Lining of his Coat. I was asleep all the Time, and knew nothing of the Matter, till they brought him back from the Justice; and on searching, they found two loaded Pistols, and a Scymitar upon us. We were carried before the Justice and examined, and he thought fit to commit us to *Hertford Gaol*, and at the Assizes were tried for that Fact. *Neale* was found *Guilty*, and received Sentence of Death; *Vincent* and I were acquitted, but ordered by the Court to give Bail, and then to be discharged; and if Mr. *Ryley* had not come down, and lodged a Detainer against us, we should have been cleared. We were afterwards removed into *Surry*; *Neale* and I were indicted at *Croydon*, and upon Mr. *Ryley* the Prosecutor's Evidence, and that of *Vincent*, we were by the Laws of our Country very justly found guilty of committing that Robbery, and received Sentence of Death accordingly. I heartily and freely forgive my Prosecutor, and all the World, (except *Vincent*) who I know to be a very great Villain, according to his own Confession to me, of a Multitude of Robberies he had committed; as likewise for taking the advantage of becoming an Evidence against me,

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' and taking away my Life, when he knew it was
' chiefly by his Instigation that I went out a robbing that Morning; therefore I cannot reconcile
' myself to forgive him, be the Consequence what
' it will.'

He was very sick and weak, and for some Time before Execution, did not attend Divine Service. He died very impenitent.

Benjamin Neal, for Burglary, 1750.

AT the Assizes held at *Guildford*, in *Surry*, March 1750, *Benjamin Neal* was indicted for breaking and entering the House of *Frances Ashbourne* of *Farnham*, and stealing several India-Bonds, a Bank-Note, 33 Guineas, 12 Half-Guineas, five 36s. Pieces, 5 Moidores, a Gold Ring, a Reading-glass, a Case of Razors, some Gold Medals, Snuff-boxes, and other Things, the Property of *Thomas Ashbourne Newton*, Esq; October 4.

Mr. *Newton* deposed, That October 4, about 7 in the Morning, he found his Bureau broke open, and all his Papers scattered about the Room, and his Bonds, Note, Money, &c. stolen. He was much surprized; but immediately dispatched a Messenger to *London* to his Brother, to prevent the Bonds and Note being negotiated. The Man made all possible Speed, and had Information of the Prisoner at *Brentford*, who was taken the same Day, and carried before Justice *Lediard*, who committed him to *Newgate*, from whence he was removed by *Habeas Corpus* to *Surry*.

Anthony Chaucer, *John Harriot*, and *William Crocker*, severally deposed, That the 4th of October last, the Prisoner was at *Brentford*, enquiring

ing for a Passage to *London*, and offered 3 s. 6 d. for the Fare. Some of the Watermen suspecting him to be a Thief, by his mean Drefs, and offering so much Money for his Passage, refused to carry him; however, he got a Boat, and set off for *London*. Soon after, Mr. Newton's Messenger came galloping through *Brentford*, and was asked by the Watermen, if he was not in Pursuit of a Thief? He answered, he was; on which they told him, there was a very suspicious Fellow had taken Boat for *London*. Upon which he was pursued and taken on the River, with a Waterman's Coat thrown over his Head and Face to disguise him. He was brought ashore and searched, and a good deal of Money, and some of the Bonds were found in his Breeches Pockets, and the Lining of his Coat; he was carried before the Justice, who committed him to *Newgate*.

The Prisoner being called upon to make his Defence, pretended he was deaf, and had not heard a Word that had been spoken against him. The Court informed him, that he was charged with Housebreaking, and stealing Bonds, Notes, &c. and it lay upon him to prove how he came by them. He replied, that he had sold some Goods in the Country, and was obliged to fly from *Warwickshire* for Fear of a Gaol, and that the Money found upon him was the same he received for Goods: That he was a Farmer near *Coventry*, and as he was coming along the Road, he had found the Bonds, and knew not what they were.

When he was taken, he said he would confess nothing but to the Head (meaning Mr. Newton) and then he owned he had been at *Farnham* that Morning at 3 o'Clock: But no Person appearing to his Character, the Jury found him guilty of the Indictment. *Death.*

Benjamin Neal, upwards of 40 Years of Age, was born at *Extel*, two Miles from *Coventry*, of Parents in good Circumstances, and well respected. His Father practised Physic in the Country with Reputation, and put his Son Apprentice to a wealthy Baker in *Coventry*, with whom he served his Apprenticeship but very irregularly, and kept Company with young Fellows of but indifferent Characters. However, his Father's Credit gained his Son some very considerable Friends at *Coventry*, who promised their Interest to advance him in the World, and be his Customers, if his Behaviour was such as might intitle him to their Friendship.

His Father set him up in the Business, as a Master Baker, and furnished his Shop with every Necessary; so that some of the most creditable Families in the City of *Coventry*, and the neighbouring Places, dealt with him for Bread, &c.

Neal's Business increasing daily, and he behaving well, the Daughter of Alderman *P—le* of *Coventry* was proposed to him for a Wife; and as she had a pretty good Fortune, and the Parties having no Dislike to each other, after a short Courtship, they were married; and this Match greatly increased *Neal's* Fortune and Reputation, particularly in his Trade; for, by the Interest of his own Father, and the Alderman, he soon came into such Business as might have supported any Tradesman in a very creditable Manner.

Neal's natural Principles and Temper soon began to appear after his Marriage; for, having received his Wife's Fortune, and thinking himself some considerable Person, he began to assume very haughty Airs to his Wife and Family, such as neither she nor their Servants could bear, without shewing their Dislike. His Neglect of Business, and frequent Haunts among the gay Part of the World,

World, soon took Air, and made him many Enemies in *Coventry*; and notwithstanding all his Parents could do, he began to lose a good deal of his Business; for he was almost every Day at Horse-racing, Cock-fighting, gaming, or other Places of Diversion, where an honest Tradesman would have been ashamed of appearing. For this his Friends rallied him roundly, but to little Purpose; his Wife expostulated with him in the most tender and affectionate Manner, but without Effect; his Trade declined; his Friends forsook him; his Credit sunk with his Character; and he became the Contempt and Scorn of the thinking Part of Mankind: And thus, from a flourishing and thriving Tradesman, he was reduced to get a mean Support for his Family by his Business, and to subsist himself as well as he could by his Wits.

Under these Circumstances, he found Home troublesome, and Trade irksome; so that the whole Management was left to his Wife and Servants; who, without the Presence and Assistance of a Master, found it difficult to carry on the little Trade that was left, and which now could hardly support the Family.

Ben, however, gave himself no Trouble about it, and absented from his House and Family for Months together; and when he tarried at home, (for Want of Money to go a sporting) he used his Wife, Child, and Mother, in a most barbarous Manner; and one Night dug a Hole under a Dresser in the Kitchen, fully determined to have flung them all three into it, and buried them alive; but was frustrated in his Design by their Outcries, and the rushing in of their Neighbours, who prevented it, and rescued the poor Creatures from the Hands of this merciless Tyrant, this abandoned and profligate Villain.

This Fright so terrified his unhappy Wife, that she fell violently ill, and Death soon released her from a Monster in Cruelty.—How incredible soever this Story may seem, it is really Matter of Fact, and well known and attested by Persons of undoubted Credit, Inhabitants of *Coventry* at the Time when it was transacted.

Not long after his Wife's Death, he went into *Staffordshire* and married a second, who was quite unacquainted with his Villainies, and by her he had one Child. His Circumstances being so bad at *Coventry*, he was obliged to sell his Goods privately, and with the Money he raised upon them, he made the best of his Way out of *Warwickshire*, forsaking his Wife, and leaving her destitute.

For a Support, he now went on the Highway as a Footpad, and committed many Robberies in different Parts of *England*; but the Particulars he would not mention; for he was one of the most morose, obdurate, and wicked Men that ever died by a Halter.

When seized for robbing Mr. *Newton*, he behaved in a very insolent Manner, and would confess nothing till he thought he should find Favour; but his Offence was too great for him to expect Mercy; and though his Conviction was upon the fullest Evidence that was ever given in a Court of Justice, yet, when he was found guilty, he said his Life was swore away.

When he was called to the Bar to receive Sentence of Death, he behaved very fullenly, and would not kneel down, when he was asked, what he had to say why Judgment of Death should not pass upon him according to Law? which is customary for all Convicts in his Condition to do.

His Behaviour in Prison, after Sentence of Death, was so rude and unmannerly, that he was often reproved

proved by the Keeper and others, but without Effect; but as he lived, so he died, a most hardened and profligate Wretch, regardless of the Laws both of God and Man.

As the Robbery at *Farnham*, for which he died, was a very extraordinary one, especially to be committed by a Stranger, who could not be supposed to have any certain Knowledge where Mr. Newton's Effects lay, he was greatly pressed to make a Discovery of the Particulars. The two Clergymen who attended him, at last, brought him to confess, that he broke open the House by getting down a Window-shutter, by which he entered the Parlour, and broke open the Desk or Bureau where the Money, Notes, Bonds, &c. were; but would say no more, or that he had any Accomplices.

The Manner of his being apprehended is very extraordinary; for he was at *Farnham*, at 3 o'Clock in the Morning, and in Custody before 9 the same Morning; so that he travelled in the dead of Winter, and in the Night, above five Miles an Hour.

But though this Criminal would not make any ingenuous Confession of the Robberies he had committed since his commencing Thief, 'tis very certain, that before this Fact, he had been tried in the Country for Felonies, and particularly at *Leicester*, where he was convicted for stealing a Silver Tankard, but had the good Fortune to be acquitted.

Neal did not speak one Word at the Gallows; and had behaved so badly under Sentence, and made so unchristian-like an End, that he was not suffered to be buried in the Church-yard.

James Cooper, for Murder and Robbery,
1750.

AT the Assizes held at Kingston upon Thames, for Surry, in August, 1750, James Cooper was indicted; for that he (with one William Duncalf deceased) on the 17th of March last, did aid and assist the said William Duncalf, in shooting and killing Mr. Saxby with a Pistol.

Robert Boyd deposed, That between 6 and 7 in the Evening, on the 17th of March last, Mr. Saxby, Groom to Squire How of Barrow-Green, and himself, were robbed near Croom Hurst, in a Lane near half a Mile from Croydon. Duncalf laid hold of his Horse's Bridle, and demanded his Money, pulled him off his Horse, and took from him a Silver Watch, Half a Guinea, and some Silver; they lay on the Ground struggling together for some Time.

But for the further Particulars of this Robbery and Murder, we must refer the Reader to the Account we shall give of it in *Cooper's Life*.

James Burrell, a Soldier, deposed, That on the 19th of March, reading the News-paper, he observed a Robbery and Murder had been committed by two Men near Croydon; and knowing that the Prisoner and Duncalf used to rob pretty much that Way, he suspected they were the two Persons that had done this. He put the News-paper in his Pocket, and went directly to *Cooper's House* in Fleet-Lane, London, and asked him, if he knew any Thing of such a Robbery, and read the Advertisement to him. He confessed that he and Duncalf did it the Saturday Night before; and desired him to take a Walk with him towards Marybone-Fields; and as they went along, he made him a

James Cooper, for Murder, &c. 205

Present of a Pair of Gloves and a Handkerchief, which he took and threw into a Pond in the Fields. After this, he went to Justice *Fielding*, and told him the Affair about the Handkerchief and Gloves ; and he ordered him to get them out of the Pond again, which he did, and shewed them in Court, and Mr. *Boyd* owned them.

The Prisoner made no Defence, but confessed his Guilt, with a great deal of Sorrow and Contrition ; but, with regard to *Burrell*, the last Witness against him, he desired the Court to take Notice, that he, *Duncalf*, and himself, had committed together, a Multitude of Robberies in *Kent*, *Suffex*, and *Surrey* ; that *Burrell* was of a cruel Disposition, and valued the Life of a Man no more than he did that of a Dog ; that he was the very Person that shot *Thomas Batterby*, Servant to Mr. *Stitch* of *Bromley*, in *Kent* ; and believed there was not a greater Rogue under Heaven, nor one more barbarous to the Persons he robbed. *Cooper* added, that he owed his Ruin, in a great Measure, to him ; but prayed God to forgive him, as he did from his Heart.

The Jury found him guilty of the Indictment.
Death.

James Cooper, 42 Years of Age, born of honest Parents at *Lexton*, near *Colchester*, where his Father carried on the Business of a Butcher upwards of 40 Years, but never gave his Son *James* any Education ; but as soon as he could hold a Knife, put on him an Apron and Steel, and instructed him in his own Business. He lived with his Father till he was 22 Years of Age, and then married a very honest, sober Woman ; he lived with his Father a Year afterwards, and then settled at *Colchester*, where, besides the Butcher's Business, he dealt very largely in Hogs and other live Cattle ; and was employed by *Grafiers*, &c. as an Agent or Factor, in buying and selling at the Fairs and Markets, by which

which he got a deal of Money, and might have advanced himself greatly had he been Master of his Pen; but he was quite illiterate. He carried on his Trade in good Credit at *Colchester* about 13 Years; but several Misfortunes and Losses happening, he became unable to satisfy his Creditors: And being informed that Mrs. Pearson at *Hill-Farm*, to whom he was indebted, on Ballance, about 16*l.* had taken out a Writ against him, he thought proper to abscond; but being arrested at last, at her Suit, for 28*l.* though she owed him 12*l.* for Meat and Business done for her as a Factor, in buying and selling Beasts; he bailed the Action to the Sheriff, and afterwards put in Bail above, and let Judgment go by Default.

Mr. Bacon, a Grasier, to whom he owed more Money than to all the rest of his Creditors, took great Pains to keep him in his Business; and a Proposal was made to his Creditors, to leave 10*s.* every Week in the Hands of Mr. Lewis a Dealer in Tallow, and when it amounted to 20 or 30*l.* it was to be divided among them, and so on, till their whole Debts were paid; to which all his Creditors agreed, except Mrs. Pearson and Mr. Martin; the latter would have accepted the Terms if she would; but upon her Non-compliance, he was obliged to surrender, in Discharge of his Bail, to the *King's Bench*, about four Years ago, and remained a Prisoner within the Walls of the said Prison six Months. His Wife carried on the Trade, and was very much encouraged by her Neighbours. She was very good to him, and sent him every Week a sufficient Maintenance; she bought Wood and sent up to Town, of which he made Skewers and sold them; but finding she gave as much for the Wood as he sold the Skewers for, he left it off. His Wife, with the Assistance of her Friends at *Colchester*, got him the Liberty of

of the Rules, for which he paid about 6*l.*; but the Marshal dying soon after, and another Gentleman appointed in his Place, he was sent for to come and execute another Security Bond, and to pay 3*l.* 18*s.* 6*d.* as a Fee to the Marshal, &c. This *Cooper* looked upon as a great Imposition, and would not comply with it. Being charged in Execution, he pursued the usual Methods, and obtained 2*s.* 4*d.* per Week, by virtue of the Lords Act, which was paid him about a Year. He lived Journeyman with Mr. *Holdsworth* in the *Mint*, and also with Mr. *Percival*, a Butcher in *Blackman-Street*, and afterwards kept a Butcher's Shop in *Mint Street*, and Mr. *Bacon*, (who was always his very good Friend) sent him up fourscore fat Sheep, at different Times, and nine Hogs, and gave him Credit till he had sold them. This was of very great Service to him, and extremely kind of a Gentleman, who was already a considerable Loser by him.

He said, he had a very good Wife, who took great Pains to support herself and the Children, and used her utmost Endeavours to preserve the Trade to the Shop, in Expectation of gaining him his Liberty, and his coming down to enjoy it, which he had a good Prospect of at that Time, an Act for Insolvent Debtors having passed, the Benefit of which he was justly entitled to. Accordingly he complied with the Terms of the said Act, and appeared at the General Quarter Sessions of the Peace, held at *Guildford*, in *Surry*, to claim the Benefit of the same; and notwithstanding he was in Execution, he was, to his great Surprise, struck out of the List of the Prisoners, and thereby deprived of his Liberty. The Marshal was afterwards obliged to pay his Plaintiff the Debt he was charged with; and a Gentleman of the Law advised him to sue the Marshal for the Penalty inflicted on Sheriffs, &c. who neglect or

refuse to insert the Name of any Prisoner in his actual Custody, in the List of Prisoners, delivered to the Justices, &c. which he declared he would have done, had he not been prevented by his precipitate Actions committed afterwards. Being frustrated in the pleasing Expectations of returning to his Family at *Colchester*, and at the same Time receiving the melancholy News of the Death of the best of Wives, leaving behind her four helpless Infants, drove him to the utmost Despair, not knowing where to fly for Refuge, having neither Friends nor Money left, and four Infants to provide for, whom he was obliged to send for to Town.

James Burrell, (the Evidence) who was a Soldier in the Guards, lived in great Familiarity with his Aunt, near *Chapel-Street, Tothil-Fields, Westminster*; and being often upon Duty at the New Gaol when the Rebels were in Confinement there, he and *Cooper* became intimately acquainted, and had frequent Opportunities of conversing together. He communicated his deplorable Circumstances to *Eurrell*, who condoled with him in his Misfortunes, and advised him to use unlawful Means to support his Family, and offered to accompany him therein; and he too readily came into his wicked Proposal, which had brought him to an ignominious End.

About Twelve Months ago, he married a second Wife, who was a Widow, with four Children; so that this unfortunate Man left behind him a disconsolate Widow, (who was extremely good to him in his Misfortunes) and eight Children; and likewise a poor antient Mother, (who was always a very kind and indulgent Parent) under inexpressible Grief at *Colchester*.

His Behaviour before his Trial was very commendable, being very regular and sober all the Time, and did not seem addicted to that general

and

and detestable Vice of profaning the tremendous Name of our great Creator. He seemed far from being of a cruel Disposition ; though a Person came one Day into the Gaol, who, as he said, was the Man that for the Reward of 3*s.* swore him out of the Liberties of the Rules of the *King's-Bench*, which gave the Marshal a Pretence to leave him out of the List of Prisoners, as before related : This, he said, was one of the Causes of the many heinous Crimes he had committed ; said, his Blood foamed at the very Sight of him, and he threw a Pail of dirty Water upon him, and was getting another for the same Purpose, which the Fellow opposed, and endeavoured to run his Head in his Face, which exasperated him so much, that he hit him two or three Blows over the Head with the Bottom of the Pail, and felled him to the Ground, where he lay a considerable Time, as if he had been dead. For this, Mr. *Jones* the Keeper reproved him sharply ; and he expressed a good deal of Sorrow for what he had done, and told Mr. *Jones* he had no Intention to use the Man ill, more than washing him well, for being instrumental to his Destruction, and hoped he was not much hurt.

He always expressed a great Concern that so notorious a Villain as *Burrell*, who, he said, was as criminal as himself, should escape Justice with Immunity. He said, they had often consulted together, and proposed to take the first Opportunity to murder their Companion *Duncalf*, whom they considered as a false-hearted Villain, and were fearful he would take the first favourable Occasion of surrendering himself to Justice, and hang them both ; to prevent which, they had resolved to drown him in a certain Pond ; but he expressed himself to be much better pleased that their wicked Design was not executed. After the unhappy Affair for which

he

he suffered, *Burrell* came to him, and importuned him to continue their wicked Course of Life, but he refused it with the greatest Detestation, telling him, he thought they had done too much Mischief already; and advised him to think no more about such Wickedness, which must inevitably ruin both Soul and Body in the End; and that he was fully determined to leave that Course of Life, and endeavour to repent of what was past. Upon this Refusal, *Burrell* left him, seemingly with a deal of Dissatisfaction and Wrath, and indeed was the chief Occasion of his surrendering to Justice, he being taken immediately upon his Information: And he declared, that the Reason of his pleading guilty, was, to give the Court as little Trouble as possible, being sensible he very well merited Death; and also, to prevent there being any Occasion of a Wretch escaping, who deserved condign Punishment as much as himself.

He was very open and ingenuous in his Confession to every one who came to him, to ask any Questions relating to Robberies that he had been concerned in, or had any Knowledge of, and was very ready to assist them in getting their Watches, &c. restored.

We should now give a Detail of the numerous Robberies committed by these three Associates, *Cooper*, *Burrell*, and *Duncalf*, as related by *Cooper* himself, to the Reverend Mr. *Wilson*, who attended him in Prison; but the Catalogue of them is swelled to such an immense Number, that, to relate them, as accompanied with their various and different Circumstances, would be to write a Volume; we shall therefore only give such of them as were attended with some remarkable Peculiarity, and deserve especial Notice.

He and *Burrell* committed several Robberies before they were acquainted with *Duncalf*. The first

first Robbery they committed was in the Evening, between *Clapham* and *Stockwell*, and was as follows : viz. they overtook two Men on the Road, and walked a considerable Way with them ; one had in his Hand a very large Clasp-knife, with a long French Blade, which he declared he would stick into the Guts of the first Man that should attempt to rob him, and boasted much of his Manhood, and what great Feats he could do, if he should then meet with a Thief. They all called at the *White Swan* on the Road, and spent about 3 d. a-piece, and then set forward ; they had not gone far before *Cooper* took an Opportunity to kick the Boaster's Heels up, and disarm him, and robbed him and his Companion of 6 or 7 Half-Crowns, a Silver Watch, and 2 or 3 Handkerchiefs : Two Men coming up at that very Instant, mounted on Coach-Horses, with a lighted Link, the courageous Gentleman attempted to call to them for Assistance, upon which *Burrell* hit him a violent Blow, in doing which his Pistol went off by Accident, and the Man fell down, and lay as if he had been really shot.

Cooper and *Burrell*, on the *Dulwich* Road, stopped Mr. *James* a Taylor, and took from him 9 s. The Taylor alarmed the adjacent Inhabitants, and raised a Posse, who pursued them, but to no Purpose. One *Richard Casting*, and *Richard Williams*, two Soldiers, were taken up and tried for this very Fact. The Taylor meeting with one of them in *Westminster*, charged him with being one of the Persons that robbed him, and carried him before a Magistrate ; he sent for his Comrade to testify his being with him the Evening the Robbery was committed, to carry something to a Gentleman's House on the Road near where this was done ; the poor Man came very readily, and told his Story, which

which was a plausible one. It was very unfortunate for them, that they happened to be out together the same Evening on that Road ; for this confirmed the Taylor in the Opinion, that they were the Men that robbed him ; so he charged them both on Suspicion, and they were committed to the *Gatehouse*, removed to *Newgate*, and from thence to the *New-Gaol, Southwark*, and were tried at the Summer Assizes at *Croydon*, and acquitted.

Cooper appointed to meet *Duncalf* and *Burrell* at *Farnborough Common*, where he waited for them a considerable time, but they did not come ; and the Reason was, that they met a Parson near one of the great Oaks on *Bromley Common*. *Duncalf* seeing him at a Distance, kneeled down in the Road, and the Parson never saw him till he had got hold of his Horse's Bridle ; then *Burrell* came to his Assistance, who had stood all the Time under the Oak ; they robbed him of about 38 s. and a pinchbeck Watch, which they sold for Two Guineas and a Half. Two innocent Men were taken up, and committed to the County Gaol for *Kent*, and were tried for it at *Maidstone*, and acquitted.

Duncalf, *Cooper*, and *Burrell*, went down to *Farnborough Common*, in order to rob ; and in the Evening they stopped a Woman on a Horse ; they took the Woman from behind the Man, and desired her not to be frightened, for they would do her no Harm. They took from them about 39 s. then helped the Woman upon the Horse again, and kept their Station there for about an Hour ; and hearing some People coming along the Road, they put themselves in a Readiness to attack them ; but they were much mistaken in thinking they were only Travellers, for they proved

proved to be two Soldiers, and five other People in Pursuit of them. *Cooper* advanced toward them, in order to reconnoitre; two of the Party passed him, which was owing to their not seeing him, and went directly up to *Burrell*; a young Man, a Butcher, said to him, *D—n your Blood, you are one of the Rogues that robbed my Brother just now;* he replied, *I have robbed no Body;* and immediately he made a Stroke at him, which occasioned *Burrell's* Pistol to go off by Accident, but did no Harm. The Butcher said, *Come on, Soldiers; cut away, Boys;* and directly closed in with *Burrell*; who gave him a Cross-buttock, by which they became disengaged; when the Butcher got up, he engaged with *Duncalf*, and threw him into some Bushes, and lay upon him; *Duncalf* shortened his Hanger, and kept digging him in the Side; but believing that did not do Execution, he endeavoured to draw his Knife to stab him; but, instead of putting his Hand into his own Pocket, he put into the Butcher's. *Cooper* came to *Duncalf's* Assistance, and with a large Stick hit the Butcher a violent Blow on the Head, and released him; another of them coming up, *Cooper* knocked him down; and the Butcher's Master's Son coming up at the same Time, *Cooper* fired a Pistol over his Head to intimidate him, as it did; for upon the Explosion, he fell down and lay as if dead for a little Time, and then got up and ran away like a lusty Fellow; these were the only Pistols fired in the whole Engagement; *Burrell* was strongly engaged with one of the Soldiers, whom he disarmed, and the Fellow begged for Mercy. When *Cooper* had fired his Pistol, he cried, *Fire away, Boys; I have three Brace more left:* upon which they all run away, with the greatest Precipitation, and left the poor Butcher lying upon the Ground, who was a brave Fellow. As the Soldier run off, *Burrell* gave

gave him a terrible Cut in the Leg, with his own Sword, which was afterwards cut off on that Account, by which Means he obtained the College; But had it been known, how little he merited such a Reward, it would hardly have been conferred on such a Dastard; for *Cooper* and *Duncalf* declared, if the Soldiers had behaved with the same Courage as the Butcher, they had been all taken; the poor Butcher expired upon the Spot. After the Fray was over, they picked up several Hats and Wigs, and half a Sword; and notwithstanding this poor Butcher was disabled, and lay gasping for Breath on the Ground, and begged they would not kill him, *Burrell*, in the most inhuman Manner, went to him, and hit him a violent Blow on the Back with a large Stick, which shewed him to be a Blood-thirsty Villain. They immediately made away a-cross the Fields, and were not long in getting to *London*.

At another Time *Duncalf* and *Cooper* being about two Miles beyond *Eltham*, between 10 and 11 o'Clock at Night, and coming towards that Town, at a Farm-House near the Roâd, *Duncalf* spy'd some Chickens at Root; he took them off their Perches, killed them, and put them into a coarse Linen Cloth, and said, the first Man he met he would ask him, if he would buy his Chickens. Accordingly, about half a Mile from *Eltham*, they met a Man, and *Duncalf* put the Question; but he not being disposed to buy them, they stopped and robbed him; when they first attacked him, he spurred his Horse, and endeavoured to get away, and behaved in a very rustical Manner, which caused him to have several severe Blows; they took from him 12*l.*. 1*s.* a Great-Coat, a Hat and Wig, and a Silver Watch, and then made off for *London*.

They having Intelligence that *Gilbert Ellick*, Esq; often returned from a Club of Gentlemen at *Camberwell*

berwell to his House at *Coal-Harbour*; near to the same Place, late in the Evening, they lay in wait several Nights to rob him; at last they met him in the Fields, going home from *Camberwell*, attended by a Footman, with a Candle and Lanthorn; the Footman made an Offer to defend his Master, with a Cane or Stick, but was soon silenced. The little Gentleman was very obstinate, being very unwilling to part with his Money, which obliged them to throw him on the Ground, and to take it by Violence. They took from him three Guineas and a Half, a Silver chased Watch, (which they pawned for two Guineas and a Half,) Coat, Hat, and Wig, a Snuff-Box, and a Case of Implements; then tied their Hands behind them, turned them Back to Back, tied them together, and left them to get home as they could.

One Night they stopped a Man on Horseback near *Bristow Causey*, with a Sack under him, which Cooper cut, to be satisfied what he was loaded with, and found it to be Venison. They told him, they believed he was a Deer-Stealer, and it was no Crime to play at rob-Thief, and so took from him a 36 s. Piece, and a blue Coat.

Being all three out on the Road, and posted near the Turnpike between *Kensington* and *Hammermith*, about 9 o'Clock at Night, a Man was going towards *Hammermith* with a Candle and Lanthorn; they stopped him, and beat out his Candle, and robbed him of about 7 or 8 s.; upon which he went back to *Kensington*, and returned soon after, with some People in Pursuit of them. At the same time a Man on Horseback was coming towards *Kensington*, whom they endeavoured to rob; but he perceiving their Intention, turned his Horse very quick, and rode full Speed to the Turnpike, and called out for Assistance; upon which they got over into the adjacent Field, and

lay *perdue*. By this Time, the Man whom they had robbed just before, returned with a Posse of People, who passed them, calling out, like stout Fellows, *D—n you, where are you?* vapouring, and brandishing their Weapons. It was well for them they did not meet with them; if they had, they would have had a warm Reception. When they had seen the Man a little Way on the Road by himself, and no Appearance of Danger, they got into the Road again, and went after him; when *Cooper* took his Stick out of his Hand, and gave him two or three Blows with it for his Impudence, for daring to follow them. Then they crossed the Fields towards *Brompton*, and met a Man, whom they robbed of a Silver Watch, Hat, Wig, Neck-cloth, and about 19*s.* in Money; he had a Dog with him that was very furious, but *Cooper* kept him off while *Burrell* and *Duncalf* committed the Fact.

One Evening they went beyond *Paddington* to rob, and upon a Bridge, near the Place where the Men hung in Chains, they stopped two Men on Horseback, whom they dismounted and robbed one of 10 Guineas and a Half in Gold, and 22 or 23*s.* in Silver; the other, having no Money, they took his Great-Coat, Wig, a worsted Cap, a Pocket-Book, with a Memorandum in it, and a Letter of Licence from his Creditors, which was of no Manner of Use to them, but might be of the utmost Consequence to the Party it related to; and they were very sorry afterwards they took it. The Man they took the Money from, was very unwilling to part with his Cash, and was forced to take several Blows before he would yield it; they had a very narrow Escape from being taken. It was about 6 o'Clock in the Evening, and a hard Frost, and the Moon shone bright. When the Men got clear of them, they went to some House

Houses adjacent, and raised a Posse of People, and pursued them, some on Horseback, and some on Foot; and the Moon shining so very bright, they were obliged to creep along-side of the Hedges, not daring to venture into the open Fields for Fear of being discovered; they went to *Hampstead-Heath*, and so got safe to *London*.

One Evening they stopped a Man about half a Mile beyond *Kingland*, who was mounted on a good Horse, and he defended himself very bravely with his Whip for some Time, and had almost brought *Duncalf* to the Ground; he was upon a spirited Horse, which he spurred, and gave them a Deal of Trouble; at last, one of them jumped up, and caught hold of him by the Collar, and brought him down. They took from him his Hat, Wig, Boots, Spurs, &c. and 20*s.* in Money. The Person they robbed was one Mr. *Allington*. He came to *Cooper* two Days before his Execution, and said, that they took from him six Guineas in Gold, a Silver Cork-screw, and a Dutch Piece of Silver Coin; the Cork-screw was found upon *Duncalf* when taken. *Cooper* declared, he knew of no Gold, nor was there any Thing more brought to account by *Duncalf* than what is mentioned above; and he did not doubt but it was so, for he knew *Duncalf* was often sinking upon them; and told him further, that he might have his Boots and Whip again, and promised to leave a Direction before he died, where he might have them.

One Saturday, *Burrell* and *Cooper* went into the road between *Brompton* and *Knight's-Bridge*, and attacked a stout Man, who had got a Shoulder of Veal in a Basket; he encountered *Cooper* very courageously, and almost knocked him down with the shoulder of Veal, and had very near taken *Cooper's* pistol from him, and would certainly have taken

him if *Burrell* had not come to his Assistance; the Man bore many hard Blows, for *Cooper* broke his Pistol about his Head; he had no Money, so they took his Hat, and his Shoulder of Veal, with the Cloth and Basket; and thereby, perhaps, deprived the poor Man's Family of a *Sunday's* Dinner.

One Mrs. *Pearson*, of *Hill-Farm*, in *Essex*, at whose Suit *Cooper* was in the *King's-Bench*, and by whose Perverseness, he said, he was forced into this Course of Life; he, by Way of Resentment, proposed to go down into the Country and rob her. Accordingly, *Duncalf*, *Burrell*, and he, hired Horses and went; they met with her and a Servant on the Road, about 8 o'Clock in the Evening, and took from her 6 Guineas and a Half, and from her Man about 16 s. She advertised, and charged one *Loader* a Sadler with being concerned: But it was proved, beyond Contradiction, that the poor Man was then a Prisoner within the Walls of the *Fleet Prison*, at the very Time they committed the Fact; yet she could scarcely be prevailed upon not to swear it against him; and had he been out of Prison, she would certainly have done it.

On Saturday Evening, February 10, 1749, *Duncalf* and *Cooper* being down at *Croydon*, about 7 o'Clock they went into a Lane beyond the Town, with an Intent to rob; and *Cooper* set open a Gate belonging to a fallow Field, into which they intended to take the Party they should happen to stop, that they might the more conveniently rifle and bind him. They had not been long there, before *William Jackson* a Farmer of *Addington* came by on Horseback; they stopped him, and he behaved very turbulently; *Cooper* gave him several Blows with a Stick, and *Duncalf* made a Blow at him with his Hanger, which happily did no Damage; they pulled him off his Horse, and he pretended to be

very drunk ; it being Moon-light, they took him under the Shade of a Tree, and rifled him of a Guinea, and about 7 s. in Silver, a Great-coat, a Silver Watch, about two Pounds of Raisins, a Pair of Gloves, and an Ashen Stick ; then they bound his Hands and Legs, and left him in the Field ; *Duncalf* mounted his Horse, rid round, and overtook *Cooper*, who crossed the Fields ; then they went to *Sydenham Hills*, and turned the Horse loose. One *John Shelton* and *Charles Kellet*, two Farriers, were taken up for this Robbery, and were tried at *Guilford Assizes*, held in *March, 1750*. *Kellet* was acquitted ; but *Jackson* swearing positively to *Shelton*, he was found guilty, received Sentence of Death, and was executed for the same.

Cooper made a Discovery of this, after his Removal to the *New-Gaol*, in *Southwark*. Discouraging one Day with a Prisoner in the same Gaol, about the Prisoners who were lately executed at *Guilford*, and what their Crimes were ; and the Person telling him, that he believed *Shelton* died wrongfully, *Cooper* expressed a great Concern, and declared that he and *Duncalf* committed that Fact for which he died. About a Week after this, a Gentleman of Worth and Honour, who lived near *Croydon*, and another Gentleman, called at the *New-Gaol* ; and being desirous to see *Cooper*, he was permitted to come into the Room, in Company with Mr. *Jones* the Keeper. The Gentleman asked *Cooper* divers Questions, which he answered in a very frank Manner. After being in the Room some Time, he whispered in a Person's Ear, that *Shelton* the Farrier was hanged wrongfully ; upon which the Person communicated what he said to the rest of the Company ; and Mr. *Jones* examined him very strictly, how he could tell that *Shelton* was not guilty of the Fact for which he suffered ? He answered, that *Duncalf* committed

that Robbery, and that he had told him so that Morning. Mr. Jones said, he did not believe it; that *Shelton's* Prosecutor was a very honest Man, and that he ought not to vouch a Thing for Truth unless he knew it to be so; and immediately calling for the Keys of *Duncalf's* Apartment, went to him, and examined him as to this Matter. *Duncalf* declared that he committed no such Robbery, nor ever told *Cooper* any such Thing, nor had he seen him that Morning. Upon which Mr. Jones came to *Cooper*, and told him, he was a base Villain, and he would punish him for reporting such a Falsity, that might prejudice a Man who lived in good Repute. At this *Cooper* was very much confounded, and did not know what Answer to make, but persisted in it, that *Shelton* was no Ways concerned in that Fact for which he died; which increased Mr. Jones's Anger very much. *Cooper* then whispered to the same Person as above, that he and *Duncalf* committed that Robbery; upon which the Person immediately acquainted the Company with what he said. Mr. Jones being determined, (if possible) to know the Truth, desired the Gentlemen to go with him to *Duncalf's* Apartment; they did so, and took *Cooper* with them; and upon *Cooper's* describing what Sort of a Person they robbed, and several other Particulars, *Duncalf* said, *Cooper*, I remember it very well; and then related the whole Affair as set forth before.

This coming to *Jackson's* Ears, he came with a Gentleman to the *New-Gaol*, to see *Cooper* and *Duncalf*; and then they declared to him, that they were the Persons that robbed him, and that no other Man whatever was concerned therein; and told him several Particulars of the Robbery, viz. that they took the Raifins from him, which he told them were to make a Pudding for his Servants, who would be very angry if he did not carry them home;

and

and that he should say to them, when they were taking the Money, That he was very badly provided for them, having but little Money, for that he was very seldom without 50*l.* or 60*l.* upon his Return from *Croyden* Market ; and, if they would go home with him, he would give them 50*l.* Besides which, *Cooper* described his Ashen Stick: These, and several other Particulars, *Jackson* acquiesced to ; and desired *Cooper* would help him to his Watch again, and also his great Coat, which *Cooper* promised he would do, if possible ; and *Jackson* desired Mr. *Jones* would lay down the Money for him, if they were produced. Mr. *Jones* took a good deal of Pains to get them, and paid for the Watch three Guineas, for the Coat 32*s.* and 14*d.* Porterage. But, though *Jackson* valued the Watch at 5*l.* and his Coat at 40*s.* he refused to give 50*s.* for the Watch. Mr. *Jones* made *Cooper* a Present of the great Coat, and he was hung in Chains in the same.

On Saturday the 17th of last March, *Duncalf* and *Cooper* being in a Lane about half a Mile beyond *Croydon*, waiting for their Prey, hearing some Horses coming towards them, they put themselves in a Posture for an Attack ; and as soon as they came up, *Duncalf* catch'd hold of Mr. *Boyd's* Horse's Bridle ; *Robert Saxby* perceiving what they were at, put Spurs to his Horse and rode away, and as he passed *Cooper* he made a Blow at him. *Duncalf* pulled *Boyd* off his Horse, and they both fell to the Ground ; and *Boyd* keeping the Bridle in his Hand, caused the Horse to go quite over them both ; but *Cooper* soon disengaged them from the Horse, and assisted *Duncalf* to rifle him : They took from him a Silver Watch, a Pair of Gloves, an old Handkerchief, and some Money. As to *Boyd's* Breeches, *Cooper* declared he knew nothing of them, nor does he remember he ever saw them after he saw

Duncalf endeavouring to pull them off: He said he believed *Duncalf* took off one Spur, and that while *Duncalf* was pulling off the Breeches, he stood looking on and laughing at them. *Saxby*, the deceased, who they apprehended was rode quite away, had made fast his Horse at some Distance, pulled off his Coat, and returned with a Resolution to assist his Companion; he came behind *Cooper*, and with a Whip or a Stick, gave him a violent Blow and felled him to the Ground, fell upon him, and almost got the Pistol he held in his Hand from him, and would have secured him with Ease; to prevent which, he was obliged to call to *Duncalf* for Assistance; but declared, as a dying Man, that he verily believes he did not call to him to shoot the deceased; and solemnly declared he did not bid him shoot *Boyd*, as he swore on his Trial he did; for he had always the greatest Abhorrence of that most mortal and damning Sin of Murder. *Duncalf* quitted *Boyd* and came to him, and shot *Saxby* as he lay upon him; and not being certain that he had done Execution, he, with the Butt End of his Pistol, hit *Saxby* a violent Blow on the Head, which occasioned him to fall off *Cooper*. They took from *Saxby*, after he was shot, some Silver; also a Portmanteau, which they carried into the Fields, opened it, and when they had taken out what wearing Apparel, &c. they thought proper, they left it there, and immediately went for London. *Cooper* said, if *Boyd* had shewn as much Bravery as the Deceased, they might easily have secured them both, and prevented Bloodshed; but when *Duncalf* quitted him, and came to his Assistance, *Boyd* stood up against the Ditch like a Statue. He likewise observed, that *Boyd* was greatly improved in his Testimony since he appeared against him when he was first apprehended, and carried before Justice Fielding; although he could not then swear positively to him,

him, he did not in the least hesitate about it when upon his Trial.

After Sentence of Death was passed upon him, he behaved with the greatest Humility, and shewed all the Signs of a true and sincere Penitence ; and of his great Contrition the following Instance is a sufficient Testimony : A Gentleman and his Father, who is a Clergyman at *Sexton* near *Colchester*, and knew *Cooper* in his Prosperity, came to the Gaol to pay him a friendly Visit ; they asked him several Questions ; all which he answered with the strictest Truth, except one, and that was in regard to the Robbery committed on Mrs. *Pearson*, his Plaintiff. All that Evening and the next Morning he appeared in the greatest Anxiety that could be ; which being observed by a Person that was frequently with him, who thought it might be occasioned by the Apprehension of his being hung in Chains ; he said, as to his Body, it was very indifferent to him what became of it after Execution, and that his whole Care and Study was for a future State of Blis. He said there was something that troubled him greatly, and he would take the first Opportunity of unburthening his Mind ; accordingly the next Time he was called to Prayers, he disburthened his Mind to the Rev. Mr. *Wilson*, and related to him the Occasion of his Melancholy ; which was, that he had been guilty of great Wickedness in imposing a Lie upon the said Clergyman and his Son, by telling them, that he was not one of the Persons that robbed Mrs. *Pearson*, when the real Fact was as before related.

His Aunt (before mentioned) came to see him a few Days before he died ; and being asked if she was his Aunt that lived in one of the Alms-houses near *Totthilfields*, she replied, No ; which he being informed of, said he had never another Aunt in the World ; and that she was a very wicked Woman,

and therefore begged she might not be admitted to see him, and she was not.

He desired that all whom he had offended would forgive him, and said he as freely and heartily forgave every one who had in any Manner offended him, or done him any Injury, even as he desired Forgiveness of God, and to be absolved from his Sins through the Merits of his blessed Redeemer.

William Duncalf, about 45 Years of Age, was descended from honest Parents in *Ireland*, who gave him but little Education, which was entirely his own Fault; for being an untoward Youth, he would never pay any Regard to their Admonitions. When he was of fit Age, he was put Apprentice to a Miller, whom he served some Time; but playing a great many wicked Pranks, he was at last obliged to fly his Country. Coming to *London*, he contracted Acquaintance with Persons of the most abandoned Principles, and, according to his own Account, a more profligate Sinner never existed. He declared himself to be a Member of the Church of *England*, but a very unworthy one, and was entirely ignorant of the Principles of that Religion. He was much addicted to that detestable Vice of profanating the Name of God, and made use of the most shocking Expressions that were ever heard of, by invoking the Almighty to blast his Limbs, and to scoop out his Eyes, upon every trivial Occasion, to the greatest Falshoods.

This Miscreant had two Wives living, and was to have been married to a third (a young Creature) in a few Days; they all visited him under his Misfortunes, but allowed him no Support. When he first came to Town, he plied as a Porter at the Water-side, &c. and sometimes worked at the Coal Business, by which he got a good Support; but being a very extravagant Fellow, and much addicted to lewd Women, he was obliged to think of

some

some Method, by which he might better support his wicked Course of Life; for he found that honest Industry would not do it; and the pernicious Practice of Smuggling being greatly in Vogue at that Time, he thought none so proper as that for his Purpose, and immediately entered into it, and dealt considerably in Tea and other uncustomed Goods. Being at last detected and informed against, he was arrested in *March 1743*; and at last, to obtain his Discharge, swore falsely against *George Box*, in 1744, who did not live to take his Trial. *Duncalf* was now made an inferior Officer of the Customs at 10 s. per Week, to detect and suppress the Smugglers; and was what they call an *Out-scout*.

His Behaviour as an Officer was extremely bad, so that he was soon discharged, and then again commenced Smuggler, and committed many Villainies and Robberies in *Surry, Sussex and Kent*. One *Thomas Quaife*, a Custom-house Officer, he caused to be transported wrongfully, for stealing his Watch; for *Duncalf's* Wife gave him the Watch, in order to pawn it, to raise Money, they being very familiar together. About three Years ago he commenced Robber with *Casper*, and they became such a Terror to *Croydon* and the Neighbourhood, that many People were afraid of coming to Market; and at Five in the Evening there was no Appearance that a Market had been held. It plainly appeared by the Nature of the Detection, that these Murderers were discovered by the Hand of an overruling Providence; for that very Evening the Fact was committed, one Mr. *Hayward* met *Duncalf* (whom he knew very well) near the Place where the bloody Scene was acted; and after some Discourse between them, *Hayward* laid his Hand on a Bundle that *Duncalf* had on his Shoulders, and feeling Pistols in it, asked him where he was going armed in that Manner? He replied, he was going

to a certain Place in *Suffex*, to take an outlawed Smuggler. He told him, he was not in the right Road to that Place ; to which he made some trivial Answer, and so they parted. Soon after which, the same Evening, the News of *Saxby's* being shot was brought to *Croydon*, and Mr. *Hayward* hearing of it, made a Discovery of his meeting *Duncalf* that Evening, and related the Discourse between them.

Upon which, some Gentlemen in that Neighbourhood came to *London*, and went to the Custom-house, in order to be informed, whether *Duncalf* had been employed to go into *Suffex* to take an outlawed Smuggler ; and found that he was not, which strengthened the Suspicion that he was one of the Villains, and applied to Mr. *Pyles*, a Gentleman belonging to the Custom-house (who knew *Duncalf* well) for his Assistance to apprehend him ; and by his Means he was taken at a House near *Dean's-yard*, *Westminster* ; and being carried before Justice *Fielding*, on the Oath of Mr. *Boyd*, the Park-keeper (who was in Company with the Deceased when the Fact was committed) he was sent to *Newgate*. *James Burrel*, the Soldier, being seized with Horror at *Duncalf's* Commitment, surrendered voluntarily, and discovered what *Cooper* had told him, that *Duncalf* and he committed the Murder and Robbery.

On this Information *Cooper* was taken, and committed to *Newgate*, and from thence removed to the *New Gaol* ; as was likewise *Duncalf*, who was seized with a Fever ; and, his Leg mortifying, it was cut off, of which he soon after died. Most Part of his Flesh having rotted off the Bones, he became a most shocking Spectacle. Several Times before his Death, he declared he robbed the Farmer for which *Shelton* suffered at *Guildford* ; and, when the Farmer came to the *New Gaol*, he pointed to

him,

him, and said, *That was the Man.* This wicked Wretch died seemingly penitent.

Matthias Keys, for the Highway, 1751.

AT the Assizes held at *Kingston upon Thames, for Surry*, in August 1751, *Matthias Keys* was indicted for robbing the Reverend *David Turner*, Clergyman, on the Highway, of a Silver-watch, Steel-chain, and Cornelian-seal, and one Guinea in Money, *March 28.*

This Malefactor was born at *Billericay in Essex*, and was about 32 Years of Age: His Father kept an Inn in that Town, and gave his Son a good Education, and bred him up to the Business of a Vintner. He was, from his Youth, a very gay Spark, fond of Company and grand Living, much addicted to Women, and a constant Resorter to all Places of public Entertainment; though he could very ill support this Way of Life: But, being a young Fellow of good Address, he soon found out some of his own Stamp, who encouraged and caressed him. He was sure to make one at Horse-races, Cock-matches, &c. which soon reduced him. He might have lived exceeding well at *Bristol*, had not his Itch for Gaming, and other lawless Pleasures, been so predominant, insomuch that he was obliged to leave that Place.

Soon after this, *Keys* was arrested for Debt, confined to the *King's Bench Prison*, in the latter End of the Year 1745; and, at the same Time, and in the same Prison, was one *James Russell*, with whom *Keys* became very intimate.

A Brother of *Russell*, whose Name was *William*, came almost daily to the Prison; and, in a short

Time, *Keys* and he became very intimate ; and, by the Assistance of *Russel* and some of his own Friends, he got his Enlargement ; but had no Way to get a Subsistence. He applied to *William Russel* ; and, after some Discourse of their Misfortunes and Poverty, they agreed to go on the Highway, and swore Fidelity to each other, the Circumstances of *Russel* being as desperate as those of *Keys*.

They had several Meetings at the *Red Cow* behind *St. Clement's Church*, at the *Angel-Inn* near the same Place, and at the *Coach and Horses* in the *Strand*, where they came to a final Resolution. And, on Saturday the 16th of December 1745, they hired Horses of a Stable-keeper in *St. Martin's Lane*, intending to set out for the *Barnet Road*, and determined to rob the first Person they met, notwithstanding they had no more Arms than an old Pistol and a Hanger. At *Mims wash*, about four Miles from *Barnet*, they met Mr. *William M'Comb* and Mr. *M'Dore*, two *Scotch Factors*, and gave the Word of Command, *Stand, and deliver.* The Gentlemen were very loth to part with their Money ; but, on *Russel's* brandishing his Hanger, and swearing he would cut their Heads off, and at the same Time calling out to *Keys* to shoot them, the *Scotchmen* thought proper to comply, and gave them a Silver-watch, and about three Guineas in Money. They pawned the Watch for two Guineas, and divided the Money equally.

Having got off with their Booty, they returned safe to *London*. Next Day they bought two Pair of Pistols. Being thus provided with Arms, they set out on the *Hertford Road*, robbed a Country-man of about three Pounds, and a Woman of 16*s.* and, before *Christmas-day*, they committed above twenty Robberies, in *Middlesex*, *Surry*, and *Kent*, but none worth relating. They just made Shift to pay their Horses and their Whores, (*Keys* having three

three and *Russel* two) and to maintain themselves like Gentlemen, in gaudy Cloaths, laced Waist-coats, and good Linen.

Their next Expedition was to *Dartford*, where they put up at the *White-Swan Inn*; and, understanding Mr. *Strong*, an eminent Dealer at *Maidstone*, had a great Deal of Money about him, they resolved to rob him: And when he set out in the Morning, in his Chaife, they mounted their Horses and rode after him, and overtook him about a Mile beyond *Dartford*, where they gave him the Word *To deliver*. He desired them to take away their Pistols, which they did, and gave them his Watch, eight Guineas, some Silver, and two Rings. They expected a more considerable Booty, but were so well satisfied with what they had got, that they returned him 6*s.* to bear his Expences to *Maidstone*, telling him at parting, *He was an honest Cock, because he had not bilked them.* They had a very narrow Escape, being pursued by several armed Men on horseback; but, riding into the Woods, their Pursuers lost them: And they were in such Fear and Hurry, that *Russel* dropt his Hanger.

A Day or two after this they concluded to rob the *Camberwell Stage-coaches*, as they were going and returning from that Town. In one of them was Justice *Booth* of *Peckham*. They demanded his Watch, but were told he had none. They never got 10*l.* by all their Visits to these Coaches, nor did they ever meet with the least Molestation.

They waited a great many cold Nights on *Barnes Common*, to rob the *Richmond Stage*, but were always disappointed; for the People about *Barnes* took Notice of them; and some Women told them they were Rogues, and had missed their Prey. Keys could hardly be prevented by his Companion from firing a Pistol among them.

They

They took their next Flight into *Essex*, where they robbed on *Epping-forest*, *Russel* appearing as a Gentleman, and *Keys* as his Servant, in a Livery Coat and Portmanteau behind him. About the Middle of *February*, they put up at an Inn in *Epping*, and ordered the best end of a Loin of Veal for their Dinner. While they were eating, came in a Maltster on Foot, who was going to *London*, and they invited him to dine with them, which he accepted; and, when Dinner was over, the old man paid his Sixpence, and, in pulling out his Bag, discovered both Gold and Silver: Upon the Sight of which, they thought him a proper Person to speak with, as they termed it. Their Discourse at Dinner turned on Horse-dealing, *Russel* telling him that he belonged to Mr. *Arnold of St. Martin's Lane*, who contracted with the Government for Horses to draw the heavy Artillery, and that he was come into the Country to purchase some with ready Money. The old Man was pleased to hear this, having a Horse to sell that was fit for the Purpose, and which they promised to call and see in three or four Days.

The old Gentleman set out for *London*, wishing them a good Day, and they wished him a good Journey. They lost no Time, but paid their Reckoning, mounted, and, when they had got on the Road, they changed their Coats; and, riding on, overtook the Maltster on the Forest: And, riding up to him, *Keys* asked him, *How his Dinner agreed with him?* He said, *I don't know yet, but I think, Gentlemen, you have changed Coats.* Then *Keys* told him, He must have the Bag that was in his Breeches Side-pocket. The Maltster laughed, and told them *They were merry young Gentlemen.* But *Keys*, presenting his Pistol, swore, If he did not immediately deliver, he would make a Hole in his Head. The Maltster changed his Tone; and, with

with great Reluctancy, delivered his Bag, in which were eight Guineas, some Silver, and Half-pence; which last they returned him, and wished him well. He told them, He should lie at his Brother's in *Shore-ditch*, and could go to Bed without his Supper, for he had paid dearer for his Dinner than ever he had done in his Life. Presently after they stopped a young Woman; but, she pleading Poverty, and that she was only a poor Servant, they dismissed her with a Kiss and Half-a-crown, which *Russel* gave her to drink their Healths.

On Sunday Afternoon, they robbed Mr. Alderman *Gascoign*'s Coach, near his Country Seat in *Essex*, as some of the Family were returning from Church, and took from them about three Pounds in Money, three Rings, and a Snuff-box. The Alderman, meeting *Keys* and *Russel* that Day on the *Essex* Road, suspected them: And as he had some Knowledge of *Russel*, and his Character not standing the fairest, he applied to *Russel*'s Mother, in the Apparel of a Sea Captain, to know where he might find her Son, for he was willing he should go to Sea with him; and, if he wanted ten Guineas Advance-money, he should have it, if Mr. *Warden* the Attorney would give him a Character, which the Alderman desired might be sent in a Letter to the *Rainbow Coffee house*, *Fleet-ditch*. But *Russel* never would let his Mother know where he might be found, so escaped for that Time.

They twice robbed the *Stratford* Stage-coaches, but never got any Booty to make them amends for their Waiting; for the Weather at that Time was excessive cold. As a Collar-maker of *Stratford* was taking Leave of some of his Acquaintance, after they had robbed the Coaches, *Russel* dismounted, and told him he must have his Watch; which he accordingly gave him, and desired he would send it to his House at *Stratford*; which they promised,

but

but it happened to slip their Memory. Their next Robbery was near *Billericay in Essex*, where they robbed a Shoe-maker of his Watch and Money.

On the 15th of *January 1745*, they stopt three Coaches, one after the other, in the Road from *Stratford* to *Ruckholt House*, and robbed the Gentlemen and Ladies of three Gold Watches, about ten Guineas, and some Silver, and got off undiscovered.

On the 7th of *February*, they attacked *John Lewis, Esq;* (who lived at the Corner of the *Old Bailey*, near *Newgate*) on the *Hackney Road*, and took from him a plain Gold Watch (made by *Graham*) with an enamelled Dial-plate, with the Box and Case in one, two Gold Seals, and about eight Guineas. Next Day they read in the News-Papers of a Reward of fifteen Guineas to be paid, if it was brought to a Gold-smith's in *Newgate-street*, but they did not think proper to carry it, but destroyed the Inside, and sold the Gold for about seven or eight Guineas.

A Night or two after this, they stopt two Coaches that were going to *Hackney*. In the first of them were three Men, one of whom put out his Cane, as though it were a Blunderbus, it being dark; but this did not dismay them, for they robbed the Passengers of two Watches and some Money. In the second Coach was a Woman, from whom they took 16 s. and rode off.

On the *Shore-ditch Road*, they stopt *Ogburne Churchill, Esq;* and robbed him of a Gold Watch, three Rings, and about a Guinea. In the Coach were two Women, like Servants, who had no more than 2 s. They took from them a Basket, in which was a Pot of Butter, a Roll of Wax Tapers, and about half a Pound of small Cakes for Children. *Russel*, when in *Newgate*, informed Mr. *Churchill* where

where he might find his Watch; and, by his Directions, he had it again.

Soon after this they attacked Captain Brown (Son of Commissioner Brown of Chatham) on Blackheath, and robbed him of twenty-one Guineas, and took a Diamond-ring from his Finger; but, at his Request, generously returned it.

The same Day they stopped two elderly Gentlemen in a Berlin, and took from them about 16 s. After they had made a handsome Collection in Kent, they went into Hertfordshire: And, in a Cross-road about seven Miles from Hertford, they stopt two Men in a Coach, from whom they took three Guineas and a Watch. The Gentlemen said very merrily, it was all their Money; but, if they had given them a Meeting the Day before, they would have got a fine Booty, for they had been to pay 300 Guineas, ready Cash, to a Gentleman in the Neighbourhood. They thanked them civilly for what they had got, and rode off.

Near Shepherd's Bush, they robbed Henry William Wilson, Esq; and another Gentleman, (both Officers in the Army) of two Gold Watches and 2 s. Near Pancras they stopt a Coach, and robbed the Gentleman in it (an Attorney in Chancery-lane) of a Gold Watch, and about a Guinea.

About this Time they had another very narrow Escape: For, having robbed an old Gentlewoman in her Chariot of a Guinea, they crossed the Country, and were pursued by two Men, who luckily lost Sight of them. But, to their great Surprise, when they came to Hammersmith Turnpike, they saw the same two Men paying the Toll, and were enquiring if two such persons (describing Keys and Ruffel) had not gone through that Evening; and the Turnpike-man said he believed two such Men did go through about half an Hour before. They took no Notice, but rode on with their Pursuers, sometimes

sometimes behind, sometimes before, that they might not suspect them, till they came to *Hyde-park*. All of them rode through the *Park*, and *Keys* and his Companion got safe into Town; and glad they were to be rid of their fellow Travellers.

Next Morning they took the Road to *Kin-sion upon Thames*; but, meeting with no Chance, they returned to Town. But, coming through *Hyde-park Turnpike*, as they came into Town, saw a Coach going gently by the Wall, in which were a Gentleman and Lady, whom they robbed of a Gold Watch and some Silver.

The Robbery that Mr. *Smart*, the Attorney's Clerk, was tried for in the *Lent Assizes* 1746, for *Surry*, *Russel* and *Keys* committed. It was upon one Mr. *Akerman* a China-man in *Cornhill*. They stopt his Coach near *Battersea-wick*, on this Side *Wandsworth*: He himself was in the Coach with two Women, one of whom had a Child in her Lap. As soon as they had given the word *To deliver*, a Boy, who was behind the Coach, jumped down and ran down the Hill, crying out "Mur-
der! Thieves, &c." They took from them between 20 and 30 s. and some old Coin and Medals.

This unfortunate young Man, though he was acquitted of the Robbery, yet his Friends were too apt to believe he was guilty; and he was sent abroad in Exile from his native Country, for a Crime of which he was perfectly innocent.

The last Robbery *Keys* and *Russel* ever committed together was near *Chelsea*, on the 25th of March 1745-6. In the Evening they set out, and, between the Fire-engine and *Chelsea* Watch-house, they attacked the Coach of *Joseph Danvers*, Esq; and, presenting a Pistol, demanded his Watch. The Gentleman said he had no Watch, neither did he ever wear any. They likewise robbed Mr.

Danvers'

Danvers's Niece, who was with him. *William Spear*, the Footman, looking pretty earnestly at them, *Keys* told him, if he did not turn his Head another Way, he would shoot him. *Spear* was only fumbling with the Chain of his own Watch, to get it into his Fob before they could see it; but *Keys*, who had a Hawk's Eye, perceiving the Seals of the Watch, rode up to him, and said, *Friend, if your Master has no Watch, I perceive you have one;* which *Spear* was forced to give him. This was done on a *Saturday* Night: And they, having finished their Week's Work, came to Town, and put up their Horses.

The same Night, being short of Cash, both agreed to pledge the Watch, and accordingly applied to Mr. *Reynolds* in *Frith-street*, they tendered the Watch to *Thomas Brown*, his Apprentice, and asked two Guineas and a Half for it; but *Brown* (to whom they had before pawned a Gold Watch which had been advertised) knowing them both, pretended he could not lend so much Money without consulting his Master, who was two or three Doors off, but he would carry the Watch and shew it him, and would return in a Minute or two. But, instead of going to his Master, he went to one Mr. *Pardy*, and told him the Case, who got some Assistance. When *Brown* returned, *Keys* was standing at the Door, and began to smell a Rat, and damned *Brown*, demanding the Watch; at the same Time putting his Hand to his Pocket, in order to pull out a Pistol to shoot *Brown*; but he whipt cross the Way, and *Keys* ran off, having just Time to call *Russel* out of the Shop; and, as he came out, a Person caught him in his Arms. He was carried that Night to Prison. On *Monday* Morning, he was carried before the late Sir *Thomas Deveil*, and, *Spear* appearing against him, he was committed to the *Gate-house*; but could not take

take his Trial the next Sessions, being greatly indisposed : But, the Sessions following, was tried, convicted, and executed ; dying friendless, deserted by all his gay Companions except his Wife, who was so poor, that she was incapable of doing any Thing for him.

No sooner did *Keys* understand how Matters went with *Russet*, than he took himself into the Country, and committed now and then a Robbery to support himself ; and, when he came to Town, he was secreted by the Ladies, with whom he was a great Favourite, and scarce any Reward would have tempted them to betray him.

The next Time we find him in Action, was in 1747, when he ventured down into *Essex*, a Country which, he said, was always lucky to him. Here he committed several Robberies on the *Harrow* Road ; but, being taken Notice of by the Stage-coach Men, he was obliged to shift his Quarters into the *Hundreds*. Nay, the *Essex* Gentlemen were so angry with all the Stage-coach Men, that they began to think that these Sons of the Whip connived at his Villanies ; which made a great Stir in the Country ; and the Name of *Keys* was as much dreaded all over *Essex*, as that of the famous *Turpin* had been.

However, several stout Fellows resolved to take him, after he had committed a Robbery near *Woodford-bridge* ; and *Keys*, unluckily getting drunk, they caught him napping at the *Bells*, an Ale-house, and, seizing him, carried him before a Magistrate who committed him to *Chelmsford* Gaol : And, at the Assizes held there in August 1747, he was tried and convicted for the above Robbery, the Gentleman swearing positively to his Person ; and, being brought to the Bar to receive Judgment of Death, he made a very moving and mournful Speech before

Lord

Lord Chief-justice *Lee*, who passed Sentence upon him.

Great Interest was made for *Keys* to the Judge, by some of the most honourable and substantial Roman-Catholics in the County of *Essex*; but, his Lordship not inclining to reprieve so vile a Miserant, who had been a Terror to his Country, and justly convicted by the Laws of it, *Keys's* Friends made their Application to his Majesty, who is the Fountain of Mercy; and such powerful Interest was daily made at Court for him, that at last his trusty Friends succeeded so well, that they not only obtained a Reprieve for him, that his Life might be saved, but also an Order that he might transport himself to any Parts beyond the seas, and never more be seen in his Majesty's British Dominions.

At the Request of his Friends and Relations, *Keys* consented to go on Board the Fleet that was lying at *Portsmouth*, bound to the *East-Indies*, under the Command of Admiral *Boscawen*, but this was all Hypocrisy; for he was not inclined to leave his native Country and wicked Companions, having often declared at *Chelmsford*, that he had much rather lie in Gaol than go abroad. However, he was obliged to submit, and get every Thing ready for his Voyage.

He went from *Chelmsford* Prison under a Guard of Soldiers, and watched all Opportunities to get away from them, but they brought him safe forward to *Kingston upon Thames*, in their Way to *Portsmouth*, where the Fleet lay. He was lodged in the Stock-house Prison till Morning, and, the Soldiers marching on with him, he was put on Board the Fleet, which sailed from *Spithead* the 14th of November 1747. He was at the Siege of *Pondicherry*, where he lost an Eye. — While he was under Confinement, he said, ‘ I have seen

‘ many

‘ many a brave Fellow die, and wish I had gone
 ‘ the same Way ; but it is my Fate to come home
 ‘ and be hanged like a Dog.’

On his Return from the *East-Indies*, he got into the Country amongst his old Haunts, and committed Robberies, sometimes residing in Town and sometimes in the Country ; and always living in a gay manner, being a favourite Companion for the principal Gamblers, and other Persons of infamous Characters.

To give an Account of all the Robberies that *Keys* and his Companions committed, would be to write a large Volume : For it is certain, that not one Highwayman in this Kingdom, for many Years, ever reigned so long as he had done ; not even the famous *Gordon* the Butcher, executed about 18 Years ago, for robbing the Treasurer of the Inner-Temple, and was reputed to be a Highwayman upwards of 12 Years.

As to the Robbery of which he was convicted, and justly suffered, there could be no plainer Proof than appeared on his Trial. In *March* last, he applied to Mr. *Claridge*, who keeps Livery-stables in *Bedfordbury, Covent-Garden*, for a Horse to go to *Hatfield*, with which he was accommodated ; but, instead of going thither that Day, he took the Horse and brought him to the *White-lion Inn* in *Lambeth*, where he lay that Night, and desired the Hostler to call him up before Three the next Morning, which he did, but found him ready dressed ; and, just as the Clock struck Three at *Lambeth Church*, he mounted and set out, after having drank a Quatern of Rum.

About 4 o’Clock in the Morning of the same Day, *March 28th*, the *Canterbury Stage-coach*, drove by *Henry Potter*, set out from the *Spread Eagle Inn* in *Gracechurch-street*, and arrived at *Peckham-gap* a little before Five ; at which Time

and Place *Keys* stopt the said Coach, and, presenting a Pistol, robbed the said Passengers of several sums of Money, particularly the Prosecutor Mr. *Turner*; after which he stopt two other Coaches, travelling the *Kentish* Road, and robbed the Passengers.

Keys, having finished his Morning Collection, rode away for *Vauxhall*, and put up at the *Vine* about 5 o'Clock. *Jordan*, the Hostler, seeing some Pistols under his Coat, suspected him to be a Highwayman; but, it being so early in the Morning, he would not attempt to apprehend him. He told *Jordan* he would send for his Horse by the Name of *Jones*, order a Shilling for him (*Jordan*), and pay for the Horse's keeping. After this *Keys* took a Sculler to cross the Water, which *Jordan* would have prevented, but, before he had an Opportunity to apprise the Waterman what Sort of a Fare he had, the Boat was got into the Middle of the River, and so *Keys* was safely landed on the *Westminster* Side.

About Seven the same Evening, came one *Macdonald*, a Porter, with a Note in the fictitious Name of *Jones*, desiring the Hostler to deliver the Horse to the Porter, on paying the Charges; *Jordan* did so, and, to come at the Bottom of the Affair, if possible, he sent the Horse away with a wrong Bridle.

Keys, who was waiting at *Whitehall* for the Porter's Return, no sooner saw him than he challenged the Bridle, and said it did not belong to him; and ordered the Porter to ride away directly to the *Vine*, and bring him his own Bridle. *Macdonald* obeyed his Orders, came to the *Vine*, and was there stopt. The Porter, having a Note to deliver the Horse to Mr. *Claridge*, went to his House, and informed him the Horse was stopt at *Vauxhall*. On this Mr. *Claridge* found out where *Keys* lodged, and

and was directed by his Landlady to go to *King's Coffee-house*, near *Golden-square*: There he found *Keys*, and told him what had happened of the Horse's being stopt. *Keys* seemed ready to go with him, but said he must first call at his Lodgings, which Mr. *Claridge* readily permitted.

When *Keys* came to his Lodgings, he went up Stairs and opened a Trunk, from which he took two Pistols; and, presenting one of them to Mr. *Claridge*, damned his Blood, and bid him keep off. Poor *Macdonald the Porter* was so terrified, that he jumped down all the Stairs at once. Mr. *Claridge*, pulling to the Chamber-door in a Hurry, the Brass Knob in the Inside broke, so that *Keys* was shut into the Room, and obliged to get out of the Window; and, falling down, lay stunned in the Yard for a Minute or two, then got up, and ran away with a Pistol in each hand, bidding his Pursuers Defiance; but, at last, was knocked down, seized, and carried before Mr. *Fielding*, who sent him to *Clerkenwell Bridewell*, it not being then known he was a Highwayman.

The stopping the Horse at *Vauxhall*, the robbing the *Canterbury Coach*, and *Keys* in Custody, being soon known, *Jordan the Hostler* went to *Clerkenwell Bridewell* to view *Keys*, and, as soon as he saw him, declared he was the Man that brought the Horse to the *Vine*; and, Mr. *Turner's Watch* being found in the Prisoner's Trunk, left no Room for Dispute that he committed the Robbery.

Notwithstanding which, after the Jury had found him guilty, he told his Fellow Prisoners, he was a Gentleman of too much Honour to rob or injure any Man. — *Most consummate assurance!*

No sooner had the Jury found him guilty, than several Fellows, who were lurking about the Court-House, were taken up for threatening to shoot those Persons who were concerned in the Prosecution; which,

which, the Judge being informed of, he wrote a Commitment with his own Hand to the Keeper of the County-gaol to detain them in his Custody : But, on their Submission, and asking Pardon, they were released from their Confinement when the Assizes ended.

When *Keys* was called to the Bar to receive Sentence of Death with the other Convicts, he did not seem in the least dismayed, but stood undaunted and resolute, without changing Countenance ; and, when they came from the Court-house to the Gaol, *Tonkin* (reprieved the Evening before Execution) with whom he was very intimate, asked him, How he could stand so unmoved at the Bar when the awful Sentence was pronounced upon him ? replied, *I do not much mind it, for I have been used to it.*

It being apprehended that some of his Friends intended a Rescue, as he was bringing from *Kingston* to the *New Gaol*, the Keeper applied for a Guard ; but, that not being to be had, few Soldiers being in the Country, the Javelin-men belonging to the Sheriff, his Bailiffs, and the Keeper's Assistants, brought them safe to Town, and *Keys* and *Tonkin* were confined in the same Room together, where they continued till Execution.

All the Time, from the Day of Condemnation to the Day of Execution, he behaved very regular, sedate, and reserved, conversing only with *Tonkin*, and making a proper Use of the Time that the Law allowed him for making his Peace with his offended Creator.

He was a well-bred, active, and personable Man, and might, in common Conversation, be far from being suspected what he was. Gaming, Women, Wine, and bad Company brought him to Ruin. He died very penitent, greatly lamenting his mis-spent wicked Life : And, after Execution was ended, his

Body was taken Care of by his Friends, in order
that he might have a decent Funeral.

Thomas Colley, for Murder. 1751.

AT the Assizes held at *Hertford* in July, *Thomas Colley, William Humble, and Charles Young*, otherwise *Lee*, otherwise *Red Beard* (the two last not taken) were indicted, together with divers other Persons unknown, for seizing, casting, and throwing *Ruth*, the Wife of *John Osborne*, into a Pond at *Marlston-green*, in the Parish of *Tring*, whereby the said *Ruth* was drowned and suffocated.

William Dell Town cryer of *Hamel Hempstead*, in *Hertfordshire*, deposed, that, on Thursday the 18th of April last, one *Nichols* came to him, and gave him a Piece of Paper and 4 d. to cry the Words at the Market-place that were wrote thereon, which he accordingly did. The Writing was as follows: *This is to give Notice, that, on Monday next, a Man and a Woman are to be publicly ducked at Tring, in this County, for their wicked Crimes.*

Matthew Barton, Overseer of the Parish of *Tring*, deposed, That, on hearing it had been cried at *Winslow, Leighton Buzzard, and Hamel Hempstead* on their several Market-days, that a Man and Woman were to be duck'd at *Tring* on Monday the 22d of April; and, being informed that the two People so intended to be duckt were *John Osborne* and his Wife, he did, in order to prevent it, believing them to be very honest People, send them into the Work-house. On Monday, April 22d, a large Mob, of 5000 People and more, assembled at *Tring*, and committed great Outrages there, do-

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claring Revenge against *Osborne* and his Wife, as a Witch and a Wizard : They pulled down a large Wall belonging to the Work-house, the Windows and Window-frames of which they pulled out.

Jonathan Tomkins, Master of the Workhouse deposed, That, on Sunday the 21st of April last, having heard that a Number of People would assemble the next Day, in order to duck *John Osborne* and *Ruth*, his Wife, they being then put into the Workhouse in order to be kept from the Fury of the Mob ; he did, in the Middle of the Night, remove them into the Vestry-room adjoining to the Church, thinking the Sanctity of the Place would have some Awe upon the Mob, if they came. On Monday Morning the 22d, about 11 o'Clock, a great Mob, which was then assembled, came to the Workhouse, and demanded *John Osborne* and his Wife, in order to duck them for a Wizard and a Witch. On his telling them they were not there, they rushed in and searched the House, and all the Closets, Boxes, Trunks, and even the very Salt-box for them ; and, there being a little Hole in the Cieling, where the Plaster was broke, the Prisoner cried out, Let's search the Cieling : That then *Charles Young*, called Red Beard, did search the Cieling ; and, not finding the Deceased nor her Husband there, they then declared they would pull the House down, if they were not delivered to them ; and accordingly they pulled down a large Wall belonging to the Workhouse, and tore out the Windows and Frames. Some of the Mob seeing some Straw just by, said, Let us set Fire to the House, and burn it down to the Ground. Upon the Witness's expostulating with some of them the Rashness of such an Action, they swore, that if *Osborne* and his Wife were not delivered to them, they would not only burn down the Workhouse, but the whole Town of Tring to

Ashes: He, apprehensive that they would do as they declared, and in order to prevent the fatal Consequences that might have ensued, did inform them where the two unhappy People were; upon which they immediately went to the Vestry-room, and took them away in great Triumph. He said, that the Prisoner was one of the Mob that entered the Workhouse, and verily believed there were more than 5000 People assembled.

John Holmes deposed, That, on the 22d of April, he saw *Ruth Osborne* and her Husband duck'd in a Pond called *Marlston-mere*; that the Man and Woman were separately tied up in a Cloth or Sheet; that a Rope was tied under the Arm-pits of the deceased, and two Men dragged her into the Pond: That the Men were one on one Side of the Pond, the other on the other; and they dragged her *sheer* through the Pond several Times: That the Prisoner, who was all the Time at the Pond-side, having a Stick in his Hand, went into the Pond, and turned the Deceased over and over several Times.

John Humphries, a Wheeler, confirmed the Deposition of the foregoing Witness; and added, That, after they had duck'd her several Times, they brought her to the Shore, and set her by the Pond-side, and then dragg'd the old Man in, and duck'd him: After they had brought him to the Shore, and set him by the Pond-side, they dragged the Deceased in a second Time; and the Prisoner again went into the Pond, and turned and pushed the Deceased about with his Stick, as before. She being brought to the Shore, the Man was also a second Time dragged in, and underwent the same Discipline as before. And, being brought to Shore, the Deceased was a third Time dragged in; and the Prisoner went into the Pond again, and took hold of the Cloth, or Sheet in which she was wrapt, and pulled her up and down.

down the Pond till the Sheet came off, and then she appeared naked : That then the Prisoner pushed her on the Breast with his Stick, which she endeavoured with her left Hand to catch hold of, but he pulled it away ; which was the last Time the Witness perceived any Life in her. Further, That, after the Prisoner came out of the Pond, he went round among the People to collect Money, as a Reward for the great Pains he had taken in shewing them Sport, in ducking the old Witch, as he called the Deceased.

Charles Clarke confirmed the Evidence of the two last Witnesses, with this Addition, That a Man, who stood near him, called to the Prisoner, and desired him to come out of the Pond, and let the Woman alone, for, if he did not, he would certainly kill her ; but the Prisoner refused, and said, She was a Witch, and he would duck her again ; and, after that, did turn her over, and push her about in the Pond several Times.

Several more Witnesses were called, and examined, who all confirmed the several Particulars of the foregoing Evidence.

Mr. *Forster*, a Surgeon, deposed, That, upon opening the Body of the Deceased, he found no Wound, either internal or external, except a little Place that had the Skin off on one of her Breasts ; and it was his Opinion she was suffocated with Water and Mud.

The Prisoner, in his Defence, produced a Paper, which he gave into Court, and desired it might be read ; the Contents of which were as follow.

' I happened to be so unfortunate as to be at
' *Marlston-green*, among other People, out of Cu-
' riosity to see what the Mob would do with *John*
' *Osborne*, and his Wife ; where, seeing that they
' used them very barbarously, I went into the Pond,
' as a Friend, to save her, if I could ; for I knew
M 3
them

' them both very well, and never had any Occasion
 ' to fall out with them, but bore them Good-will.
 ' And, as for the Money I collected by the Pond-
 ' side, it was for the great Pains I had taken in the
 ' Pond to save both the Woman and the Man.'

But, having no Witnesses to support the Contents of this Paper, the Jury paid no Regard to it, but found the Prisoner guilty. *Death.*

The following Particulars, which did not come out upon the Trial, were given in by *John Osborne* himself, *viz.* That, as soon as the Mob entered the Vestry-room, they seized him and his Wife, and *Red Beard* carried her cross his Shoulders, like a Calf, upwards of two Miles, to a Place called *Gubblecut*; where, they not finding a Pond for their Purpose, they carried them to *Marlston-green*, and put them into separate Rooms in a House there, stripped him naked, and crossed his Legs and Arms, and bent his Body so, as to tie both his Thumbs to his great Toes; after which they wrapt a Cloth or Sheet round him, and carried him to the *Mere* on the Green, and used him as before related. What they did with his Wife he could not say, but supposed they used her in the same Manner.

After the Mob found the Woman was dead, they carried him to a House, and put him into a Bed, and laid his dead Wife by his Side: All which, he said, he was insensible of; having been so ill used in the Pond, that, for some Time, he had no Sense at all; but was well assured it was so, a Number of People having since informed him of it, who were present. He said, his Wife, had she lived till *Michaelmas*, would have been 70 Years of Age, and that himself was 56.

Colley, after Execution, was hung in Chains on Marlston-Mere.

N. B. *The following Trials of the Rebels being, accidentally, omitted in their proper Place, are inserted here.*

A Narrative of the Trials of the Rebel Prisoners, on the King's Commission of Oyer and Terminer, at the Court-House on St. Margaret's Hill, Southwark, 1746.

ON Monday, June 23, 1746, the Right Honourable the Lord Chief Justice Lee, the Right Honourable the Lord Chief Justice Willes, Sir Martin Wright, Sir Thomas Burnet, Sir Thomas Abney, Sir James Reynolds, Mr. Baron Clarke, and Mr. Baron Clive, attended by the several Officers, came in Procession to the Town-Hall on St. Margaret's-Hill, Southwark, and opened their special Commission, for holding a Session of Oyer and Terminer, and Gaol Delivery for the County of Surry; which being read, Sir William Lee, Lord Chief Justice of his Majesty's Court of King's-Bench, gave the Grand Inquest a most learned and excellent Charge, and then they withdrew to the Three-Tuns Tavern on St. Margaret's-Hill, and found Bills for High-Treason against the Earls of Cromarty, and Kilmarnock, and Lord Balmerino.

This Grand Inquest having on Wednesday the 25th, and Thursday the 26th of June, found Bills of Indictment against 34 of the Rebel Prisoners in Custody, they were brought to the Bar on Thursday the 3d of July, and arraigned on these Indictments, which were all laid for High-Treason, committed against his Majesty's Person and Government, in levying and carrying on a cruel and destructive War, &c. in these Kingdoms: To

which Indictments, three that were arraigned, pleaded *Guilty*, viz. *James Gadd*, a Captain in the Duke of Perth's Regiment; *Alexander Abernethy*, Captain in *ditto*; and *Thomas Furnival*, a Lieutenant in the *Manchester* Regiment. And all the others pleaded *Not Guilty*, and for their Trials put themselves on God and their Country.

The Prisoners who pleaded *Not guilty*, presented Petitions to the Court, praying, that they might have further Time to prepare for their Trials; some of them alledging, that their Witnesses were some hundred Miles Distance. On reading these Petitions, and the Petitioners making Oath, that the Contents of these Petitions were Matters of Fact, the Court adjourned to the next Day to consider of the same. And the Court being met accordingly, they came to a Resolution to defer the Trial of the English Prisoners to *Tuesday, July 15*; and the Trials of the Scotch Prisoners to the 25th of the same Month, the better to enable them to prepare for their Defence, and ordered them to send for all their Witnesses accordingly. And then the Court adjourned.

Tuesday, July 15, 1746.

This Morning, at 10 o'Clock, the following Judges came into Court, viz.

Lord Chief-Justice *Lee*, Lord Chief-Justice *Willes*, Mr. Justice *Wright*, Mr. Justice *Dennison*, Mr. Justice *Foster*; Mr. Justice *Abney*, Mr. Baron *Reynolds*, and Mr. Baron *Clive*.

And their Lordships being seated on the Bench, with Sir *Thomas de Veil*, Knt. and *Peter Theobalds*, Esq; (both Justices of the Peace for the County of *Surry*, and Gentlemen named in the Special Commission) Order was given for Proclamation to be made.

Then

Then the Keeper of the County Gaol had Orders to bring *Francis Townley* to the Bar; which he did accordingly.

Francis Townley, late of the City of *Carlisle*, in the County of *Cumberland*, Gent. was indicted for that he, with *Andrew Blood*, and *George Fletcher*, not having the Fear of God in his Heart, nor regarding his Duty and Allegiance, but, being moved and seduced by the Instigation of the Devil, as a false Traitor against his most serene, illustrious, and excellent Prince *George* the Second, by the Grace of God, of *Great Britain*, *France*, and *Ireland*, King, Defender of the Faith, &c. his supreme, true, lawful, rightful, and undoubted Sovereign Lord, the cordial Love, and due and true Obedience, Fidelity, and true Allegiance, which every Subject of our said Lord the King ought to bear, withdrawing, and utterly to extinguish, intending and contriving, and with all his Force purposing and designing, the Government of these Kingdoms to subvert, change, and alter; as also our said Lord the King, to Death, and final Destruction to put and bring, and these Kingdoms into intolerable and miserable Slavery to subdue and inthrall; and to fix on the Imperial Throne of these Realms, a Person called the Prince of *Wales*, in the Time of the late King *James* the Second, &c.

And the Indictment further chargeth, That he, the said *Francis Townley*, on the 10th Day of November last, in the 19th Year of the Reign of his present Majesty, did appear, arrayed in a hostile Manner, at the City of *Carlisle* aforesaid, in the County of *Cumberland* aforesaid, with 3000 Persons and upwards, in a tumultuous and rebellious Manner, with Guns, Swords, Clubs, Staves, and other Weapons, offensive as well as defensive, with Drums beating, Colours flying, Pipes play-

ing, and there, being so arrayed, did, in a warlike and hostile Manner, levy a cruel War and took Possession of the said City of *Carlisle*, and the Citadel of the same City, being a Citadel and City of our Sovereign Lord the King, and made a cruel Slaughter of the Subjects of our Sovereign Lord the King that now is, and the same City did keep, sustain, and defend.

. And this Indictment is laid to be against the King's Peace, his Crown, and Dignity, the Duty of their Allegiance, and the Forms of the Statute in that Case made and provided, &c.

The Council for the King were Mr. Attorney General, Sir *John Strange*, Mr. Solicitor General, Sir *Richard Lloyd*, and the Honourable Mr. *Yorke*; and for the Prisoner, Mr. Serjeant *Wynne*, and Mr. *Clayton*.

Mr. Yorke, Council for the King. May it please your Lordship, and you Gentlemen of the Jury: This is an Indictment against *Francis Townley*, the Prisoner at the Bar, and sets forth, &c. (the Purpose of the Indictment as before mentioned.) To this Indictment he hath pleaded *Not guilty*, we shall produce our Witnesses to make good the Charge against the Prisoner, which if we do, we doubt not that you will find him guilty of the Indictment.

Mr. Attorney General. My Lords, and you Gentlemen of the Jury, the Prisoner at the Bar, having been deeply engaged in the late unnatural and wicked Rebellion begun in *Scotland*, and carried into the Heart of this Kingdom, in order to overset our present happy Constitution in Church and State, hath made it necessary for this Prosecution against him: I don't doubt but in the Course of our Evidence we shall make it appear to your Satisfaction, that the Prisoner, with two others whose Names are *Blood* and *Fletcher*, and other their

Confe-

Confederates, did assemble in a warlike Manner, and procured Arms, Ammunition, and other Instruments of War; and composed a Regiment for the Service of the Pretender to these Realms, to wage War against his present most sacred Majesty; and did march through and invade several Parts of this Kingdom, and unlawfully did seize his Majesty's Treasure, in many Places, for the Service of their villainous Cause, and took away the Horses and other Goods, Merchandise, and Chattels of many of his Majesty's peaceful Subjects. And that, during the said March, the Prisoner, with other Rebels, in open Defiance of his Majesty's undoubted Right and Title to the Crown of these Realms, frequently caused the Pretender's Son to be proclaimed, in a public and solemn Manner, as Regent of these Realms; and himself marched at the Head of a pretended Regiment, which they called the *Manchester* Regiment.

My Lords, I shall not take up the Time of the Court in saying a great deal, for all that the Prisoner is charged with will appear so full and plain, from the Evidence we shall produce for the King, that there will not be the least Doubt with the Jury to find him guilty.

Sir John Strange then spoke to the following Effect: My Lords, and you Gentlemen of the Jury, I am of Council in this Case, likewise for the Crown: I am very far from aggravating this Case, against the Prisoner at the Bar, but I cannot help observing, that the Engagements which the Prisoner had embarked in, would have overthrown one of the most glorious and free Constitutions that ever was framed, and I believe I may venture to say, is the only one in the whole World.

If an Attempt to subvert the Government, to destroy the King, and set up a *Papish* Pretender, if in marching in an hostile Manner, carrying on a

bloody and destructive War in this Nation, can move Compassion, or be extenuated, any Rebellion may be palliated over and excused, since scarce any Circumstance can be added in Aggravation of that which hath lately been raised and carried on in this Kingdom.

Every body knows the Rebellion broke out in *Scotland*, with a small Number of People, and made a very great Progress, till at last the Rebels had the Audaciousness, with the Pretender's Son at their Head, to fight his Majesty's Forces at *Preston Pans*, and then the Rebellion burrowed into *England*, and the Prisoner at the Bar was with them in *Lancashire*, particularly at *Preston*, and several other Places, and then they proceeded to *Manchester*, where the Prisoner formed a Regiment, and accepted a Commission to be Colonel of the said Regiment, from the eldest Son of the Pretender, and wore a white Cockade, and a Plaid Sash, as a Mark of his Authority, and the Party he sided with; and then advanced from *Manchester* to *Derby* with his Regiment, where the Rebel Army halted some few Days; but being apprehensive of the Duke of *Cumberland*'s attacking them, it so alarmed them, that they marched back with great Precipitation till they came to *Carlisle*, where he acted as Commandant of the City, and gave out Orders to the Garrison, amongst which he ordered the Houses of some of his Majesty's faithful Subjects to be set on Fire, but was afterwards obliged by the Duke to surrender to the King's Pleasure; and though Humanity may induce you to have Compassion towards the Prisoner, yet if it is proved he is guilty of the Crimes laid to him, the Justice of this Nation calls aloud for his Punishment.

For no less was to be a Sacrifice, than his Majesty and his Royal Family (a Succession of Princes, appointed by Divine Providence, to be not only

the Preservers of our Rights and Properties, but to be the Guardians of the Protestant Interest in Europe) to appease the Fury of a set of unsatisfied People, who have associated in this most wicked and unnatural Rebellion, and who envied us, the faithful Subjects of his Majesty, the Blessings we enjoyed uninterrupted, of our Religious and Civil Rights and Privileges.

These People, in order to divert themselves, and amuse the ignorant, had on their Standards or Colours, Motto's that they imagined would be grateful, *viz.*

**LIBERTY and PROPERTY,
CHURCH and KING.**

But your Lordship, and the Gentlemen of the Jury, as well as the unfortunate Person who stands before you at the Bar, will excuse me if I take upon me to interpret the Meaning of their famous Motto or Inscription on their Colours, which, not to take up too much of the Time of the Court, I shall do in a few Words.

The *Liberty* they designed, was nothing less than SLAVERY ; their intended *Property* was PLUNDER, which too many of the good People of this Kingdom hath found ; their *Church* was POPE-RY, and the Meaning of their *King*, was only to make these free Kingdoms a Province to *France*. We shall now call our Witnesses, who will give such Proofs against the Prisoner, that I doubt not, Gentlemen of the Jury, you will find him guilty of the Treason he stands charged with.

Mr. Solicitor General. Call Roger McDonald.

Roger McDonald being sworn, said that he knew Col. Townley the Prisoner, that he saw him at Derby, and on the Retreat of the Rebel Army from thence,

thence, he marched at the Head of the *Manchester Regiment*, as Colonel of the same.

This Witness also said, that he saw him with a white Cockade in his Hat, a Brace of Pistols, and was accounted as a principal Officer, between *Lancaster* and *Preston*, and he appeared at the Head of the Regiment, with Colours flying, and Drums beating, and that he had on a Plaid Sash.

This Witness was then asked, What Number, at that Time, the Rebel army might consist of? and he said, to the best of his Knowledge, he believed 5600 Men, but not all armed.

This Witness farther deposed, That the Prisoner at the Bar was always looked upon, by both Officers and Soldiers, as Colonel of the Regiment, called the *Manchester Regiment*; and that he gave Command to all the Officers under him, who obeyed his Command as principal Officer.— That the Regiment had a Flag, with these Words on one Side, *viz.* *Liberty and Property*; and on the other, *Church and King*. That they had some Artillery with them, and the Prisoner always appeared at the Head of his Regiment.

Cross-examination.

Prisoner's Council. Mr. Serjeant *Wynne*. Pray, have you had no Promise of Pardon?

Witness. I have had no certain Promise of Pardon. I was first examined at *Inverness*, by the Judge Advocate of *Scotland*, but he did not assure me of a Pardon.

Prif. Coun. Did not you expect it?

Witness. I cannot say, but I did expect to be pardoned, for I was only a Servant. I was brought ashore very poor, and without any Thing to subsist on.

King's

King's Coun. You say you saw the Prisoner in the Retreat from *Derby*, command his Regiment: Was not he looked upon as Colonel?

Witness. Yes, I saw him on Horseback very often, and he always rode at the Head of the Regiment on a bay Horse.

Sir Richard *Lloyd*. Call *Samuel Maddox*; who appeared and was sworn; and said, the first Time he saw the Prisoner Colonel *Townley*, was at *Manchester*, about the 6th, 7th, or 8th Day of December last, but the Day he could not particularly remember; and said, the Prisoner was made Colonel of the *Manchester* Regiment by the Pretender's Son, and one Reason why he was certain he was Colonel of the Regiment, was, that a Guard from the said Regiment was mounted every Day, and Centinels placed at the Prisoner's Quarters; that he, the said *Maddox*, marched out with him in the Station of an Ensign, but never had any Commission, though he carried the Colours as such; that the Prisoner wore a Sword and a Brace of Pistols, with a white Cockade in his Hat, and that the Prisoner gave Command as Colonel of the Regiment, and that he ordered the said *Manchester* Regiment to be drawn up in the Church-yard, in *Manchester*, where the Pretender's Son reviewed them, and that he marched at the Head of the Regiment as Colonel to *Derby*. Their first Day's March from *Manchester*, was to *Winslow*, where the Prisoner appeared also at the Head of the Regiment, and had a white Cockade in his Hat, a Plaid Sash, a Brace of Pistols, and a Sword; that their next Day's March was to *Macclesfield*, where he, this Witness, signified, he had an Inclination to leave the Regiment, and return home to his Master at *Manchester*, but was intimidated from so doing, by being threatened, and told, that if he did, he would have his Brains knocked out.

This

This Witness farther deposed, That when they were at *Derby* with the Rebel Army, they beat up for Volunteers, for the *Manchester* Regiment, commanded by the Hon. Col *Francis Townley*, and the same was done, by the particular Order and Direction of the Prisoner.

That when the Rebel Army retreated from *Derby*, Col. *Townley* the Prisoner, and some of his Regiment, took out of a House between *Derby* and *Ashborn*, a Sack-full of Arms, which were concealed under some old Writings; that the said Arms were taken with them to *Ashborn*, and lodged all Night in the Prisoner's own Room, and disposed of afterwards among his Men; that the Prisoner had two Centinels always at his Door all Night, for Fear the Duke of *Cumberland* was nearer to them than they imagined; that the Prisoner marched as Colonel of the *Manchester* Regiment, in their Retreat from *Derby* to *Carlisle*; sometimes at the Head of the Regiment; that when they came to *Carlisle*, the Prisoner was made, by the Pretender's Son, Commandant of *Carlisle*; and had another Commission given him by the Pretender's Son, to raise a Regiment of Horse; that so soon as the main Body of the Rebel Army were gone from *Carlisle* for *Scotland*, he, the Prisoner, took on him the Command of the whole Rebel Forces left there, and that he gave Orders for the Guns to be mounted, and also ordered a House to be burnt; which was accordingly done, alledging, that several of the King's Forces had fired from it, and annoyed the Pretender's Army; and that he particularly directed and caused several *Chavaux de Frize* to be made, and fixed at the Gates and Entrances to the City, to prevent his Majesty's Horse and Dragoons from approaching it; that the Prisoner ordered some of the Rebel Army, then in *Carlisle*, to make a Sally out to bring in some Sheep,

Sheep, and that the Prisoner mounted the Walls, with a Pistol in his Hand, to give Notice if the King's Forces were near where the Men were to go; that the Prisoner paid the Men of his own Company himself, as all the Captains of Companies did theirs; and that he had heard the Prisoner when in *Carlisle*, in Company with other Officers, complain that he was fourscore Pounds out of Pocket in paying his Men; that before the Capitulation, this Witness heard the Prisoner have some Words, and was seemingly in a great Passion with Colonel *Hamilton*, who was Governor of the Castle or Citadel of *Carlisle*, for surrendering the Place, and not making a Defence to the last; and that he heard the Prisoner declare, that *it was better to die by the Sword, than to fall into the Hands of those damned Hanoverians.*

This Witness being particularly asked by the King's Council, if he had at any Time seen the Prisoner in *Carlisle* act as an Officer, said, that he had particularly seen him encouraging the Rebel Soldiers to make Sallies out on the King's Forces.

Cross-Examination of this Witness.

Mr. Serj. *Wynne*. Mr. *Maddox*, after the Surrender of the Town and Citadel of *Carlisle*, did not you all expect Mercy?

Maddox. We were all put Prisoners into the Church.

Serj. *Wynne*. Did you all expect to be hanged?

Maddox. I can't say that; for we were in Expectation of being at Liberty again soon.

Serj. *Wynne*. Pray, do not you expect a Pardon, or have you had any Promise of a Reward for what you have done in this Affair?

Maddox.

Maddox. I cannot say I have ever had any Pro-
mise of a Reward.

Serj. Wynne. I find you are a very smart young
Man, and I desire to be answered to this Question;
Pray, have you had any Promise of a Reward, or
Pardon; or do you expect any Reward or Pardon,
after having given your Evidence against the Pri-
soner at the Bar, or the other Prisoners that are
in Custody?

Maddox. My Brother came to me when I was
in *New-Prison*, and he did advise me to do the best
I could for myself, and serve my Country. Soon
after, one of his Majesty's Messengers took me
away; and I have been at his House ever since,
only at those Times I went to be examined; no
Body ever told me that I should be pardoned, but
my Friends advised me to do what I have done.
If I could have a free Pardon I should be very
thankful for it.

Mr. Clayton, (another of the Prisoner's Council.)
Mr. Maddox, did not his Royal Highnes the
DUKE, (when you surrendered Prisoners) promise
you Mercy?

Maddox. All the Terms his Royal Highnes
said we were to expect, were, we should not be
put to the Sword, but that we should be left to
his Majesty's Pleasure, which two *Scots* Officers
who went to the Duke, and whose Names were
Abernethy and *Forbes*, told us; and that the People
in *Carlisle* were to deliver up all their Arms at
the Gate, and the Officers were to go into the
Church.

King's Council. Call *Austin Coleman*, who ap-
peared and was sworn; and said, he saw the Pri-
soner at the Bar, in *Carlisle*, who was called Col.
Townley, and commanded the *Manchester* Regi-
ment, and was made Commandant of the said Ci-
ty by the Pretender's Son; and if any of the Sol-
diers

diers wanted Arms, they applied to him, and he furnished them with Firelocks, Pistols, and Bayonets; and that he often had seen the Prisoner order the Guard to mount, and always acted as their chief Officer, and all the other Officers took their Orders from him as their Superior.

Cross-Examination.

Mr. Serj. *Wynne*. Pray, Sir, inform me what Time you saw the Gentleman at the Bar at *Carlisle*, when it was in Possession of the Rebels, and he had a Commission from the Pretender's Son?

Mr. Serj. *Wynne*. Did you ever hear him say, he had a Commission?

Coleman. No, I never did.

Mr. Serj. *Wynne*. Then what you say signifies nothing.

King's Council. Call Capt. *Carey* of the Foot-Guards, who appeared.

King's Council. Pray, swear the Captain; which being done, he said, That he received Orders by Lord George Beauclerk, from his Royal Highness Duke *William*, to take Care of the Governor of *Carlisle*; and had his Royal Highness's Orders to examine all the Rebel Prisoners Papers, amongst whom he applied to the Prisoner at the Bar, who said he had delivered his Commission before to Major *Adams*. He farther said, that the Prisoner had some Guineas in his Pockets, and his Watch, which he did not take from him; for his Royal Highness's Orders were, not to take any Money out of the Pockets of any of the Officers, only to seize all public Money that they had collected; for that what Money they had in their Pockets might be of Service to them in their Confinement. That this Evidence indorsed all the Papers that he found on such of the Officers as he searched; and said,

said, the Capitulation was signed by the Duke of *Richmond*, Lieutenant-General in the Army; wherein the Rebels in *Carlisle* were to be at the King's Pleasure.

Council for the King. Sir, are you sure that in the Capitulation that was signed by the Duke of *Richmond*, it was mentioned, that the Prisoners should be reserved for the King's Pleasure?

Capt. Carey. I can't take upon me to be certain of that; but I think so.

King's Council. Do you know the Duke of *Richmond's* Hand-writing?

Capt. Carey. No, I never saw his Grace write.

Then a Paper was shewn him, which, he said, was the Capitulation, and was read, as follows.

' All the Terms his Royal Highness will or can grant to the Rebel Garrison of *Carlisle*, are,
 ' That they shall not be put to the Sword, but
 ' be reserved for the King's Pleasure.

' If they consent to these Conditions, the Governor and principal Officers are to deliver themselves up immediately, and the Castle, Citadel, and all the Gates of the Town, are to be taken Possession of forthwith by the King's Troops.
 ' All the small Arms are to be lodged in the Town Guard Room, and the rest of the Garrison are to retire to the Cathedral, where a Guard is to be placed over them. No Damage is to be done to the Artillery, Arms, or Ammunition.' *Head Quarters at Blackall, 30 Dec. Half an Hour past Two in the Afternoon.*

By his Royal Highness's Command,
 Signed *Richmond, Lenox, and Aubigny*, Lieutenant-General of his Majesty's Forces.

King's

King's Council. Call Capt. *Nevet* of the 3d Regiment of Foot-Guards, who appearing, and being sworn, said, he went by Order of his Royal Highness the Duke, to visit and examine the Rebel Officers in *Carlisle*; and that the Prisoner was one of them, and went by the Name of Colonel *Townley*, and Commandant of *Carlisle*.

King's Coun. Swear Capt. *Vere*, which was done.

King's Coun. Sir, will you be pleased to tell my Lords and the Gentlemen of the Jury, what you know of the Prisoner at the Bar being in the late unnatural Rebellion?

Capt. *Vere*. I saw the Prisoner on the 20th of November at *Carlisle*; for I was taken Prisoner a little before by the Rebel Army: He was called Colonel *Townley*; Colonel of the *Manchester* Regiment, and Commandant of the Town. On the 25th of December he appeared with a white Cockade; I went up to Colonel *Hamilton*'s Room, where we talked of a Capitulation, and Mr. *Hamilton* was willing to agree to it: We then wrote a Letter to his Royal Highness the Duke, and the Messenger who carried it was made a Prisoner; and Mr. *Hamilton* desired me to go to Capt. *Abernethy*, and the *Scotch* Officers, and they all agreed to what was done, and the next Day they hung out the White Flag.

Sir *John Strange*. Did not *Townley* appear as the Commanding Officer?

Capt. *Vere*. Yes, I saw his Commission in the Guard-Room.

Sir *John Strange*. Did you see it in his own Hands?

Capt. *Vere*. I can't say I did.

Mr. Serj. *Wynne*. Pray, Sir, what are you?

Capt. *Vere*. I am an Officer, and was sent by his Grace the Duke of *Newcastle* upon the public Service,

Service, and was taken Prisoner before by the Rebel Army.

Mr. Davidson, a Grocer of Carlisle, was the next Witness; who being called and sworn, deposed that he had seen the Prisoner at Carlisle; where he acted as Colonel of the Manchester Regiment, and Commandant of the City of Carlisle; he was present when he ordered a House to be set on Fire at Carlisle; and on this Deponent's asking him the Reason for it, he replied, that several of the Elector of Hanover's Men had fired from it, and annoyed his Men.

Here the King's Council rested it.

The Council for the Prisoner proceeded now to his Defence, and pleaded that Mr. Townley was a Gentleman of a good Family, and that his Education was suitable to his Birth; but by some Misfortunes in his Family was obliged to retire to France, which happened in the Year 1728. Being a Man of Spirit, he was soon taken Notice of by the French Court, and being recommended to his Most Christian Majesty, as a Person capable of a Post in his Army, the King gave him a Commission. In Consequence of which he served at the Siege of Philipburgh, under the Marshal Duke of Berwick, who lost his Life before the Walls of that Place. He there behaved with such Courage and Conduct, as gained him the Respect and Esteem of all the Officers in the Army. He executed all the Orders of his Superiors with the greatest Intrepidity; and exposed himself on every Occasion in such a Manner, as if Life was of no Signification, when Honour and the Service of his Master stood in Competition with it. He was likewise in several other Sieges and Engagements, where his Behaviour was always such as became a Man of Honour; and as he received the Pay of his most Christian Majesty, he thought it his Duty to

serve

serve him with all the Fidelity he was capable of. Thus he continued in that Service from the Year 1728, till a few Years since that he came into England, where he privately resided till about the Time of the Breaking out of the Rebellion. And the French King imagining he might be of Service in promoting his Views, in the Invasion which he had meditated against these Kingdoms, sent him a Colonel's Commission, to enable him to raise Forces, and to assist his Ally, the Pretender, in his Expedition to Scotland. Thus it appears that he has been sixteen Years in the Service of France; that he has had the French King's Commission during all that Time; and consequently was as much in the Service of France as any Officer in the French Army; and therefore they were humbly of Opinion, that Col. Townley had as just a Right to the *Cartel* as any French Officer that has been taken by the English, during the Progress of the War between the two Kingdoms.

We must acknowledge that the King's Council have opened the Nature of the Indictment with all the Candour that could be expected, and have not exaggerated the Charge against the Prisoner beyond the Bounds of Humanity and good Nature; and we humbly hope they will be of Opinion with us, that though the Prisoner at the Bar should unhappily be found acting in this unnatural Rebellion, yet as he acted under a Commission from the French King, he has a Right to the *Cartel* for settling the Exchange of Prisoners that may be taken on either Side, in the War now carried on between the two Kingdoms.

The Evidence we have to produce in Behalf of the Prisoner, are only three. The first is Capt. Carpentier, who will prove, we hope, to your Lordship's Satisfaction, that Col. Townley was many Years

Years in the *French Service*, under a Commission from the *French King*; and since his being taken at *Carlisle*, has been constantly supplied from *France*; the other two, who are *John Hayward* and *Thomas Dickinson*, we shall bring to invalidate the Evidence of Mr. *Maddox*, by shewing the Badness of his Character, and that he is such a Man whose Testimony is not to be credited.

And the Prisoner's Council farther observed, that the Indictment was insufficient, for that they had not mentioned the Day in the Indictment when the Treason was done, and that the glorious Statute of the 7th of King *William III.* which was justly esteemed the Bulwark of *English Liberty*, directed that nothing shall be given in Evidence but what is inserted in the Indictment, and that the Time not being mentioned in the Indictment when the Treason was acted, is sufficient to quash it, because it might be so long past as to entitle the Prisoner to the Benefit of the Limitation enacted in the said King's Reign; and that A&t says, that no Person shall be convicted, or suffer for High or Petit Treason, unless a Prosecution is begun against the Person who committed such Treason, in three Years after the Commission of such Treason.

Council. Pray, call Mr. *Carpentier*, who appeared and was sworn.

K. Coun. Pray, what would you ask this Gentleman to?

Prif. Coun. To prove that the Prisoner had a Commission from the *French King*, and that he was at the Siege of *Philippsburgh*.

Court. That will be against you; for no Man that is a liege Subject of his Majesty, can justify taking up Arms, and acting in the Service of a Prince that is actually in War against his Majesty.

On which *Carpentier* was set aside, without being examined.

Mr. Serj. *Wynne*. Pray, call *John Hayward*; who appeared and was sworn.

Mr. Serj. *Wynne*. Pray. Sir, do you know *Samuel Maddox*, and how long have you known him?

John Hayward. Yes, Sir, about two Years.

Mr. Serj. *Wynne*. Pray, what Character doth he bear?

Hayward. He bears such a very bad Character, that I would not believe him upon his Oath.

Cross-examined.

Sir *John Strange*. I hope you believe that every Person that joined with the Rebels, are bad Men.

Hayward. Yes, Sir.

Sir *R. Lloyd*. What Business are you of?

Hayward. I am a Glover and a Leatherseller at *Manchester*. After being examined, he went out of Court, but was recalled.

Sol. Gen. Mr. *Hayward*, pray, did you see the Prisoner at the Bar in *Manchester*?

Hayward. No, I never saw the Prisoner before.

Coun. *Clayton*. Pray, call *Thomas Dickenson*; who appeared, and was sworn.

Sir, do you know *Samuel Maddox*?

Dickinson. Yes, Sir; he was bound Apprentice to an Apothecary at *Manchester*.

Coun. *Clayton*. Pray, what Character does he bear?

Dickinson. A very bad one.

Coun. *Clayton*. Would you believe him upon his Oath?

Dickinson. No, I would not, especially upon Life and Death.

Sir John Strange. For what Reason do you take upon you to swear he is not to be believed upon his Oath?

Dickinson. I don't know particularly; but I have heard he was a very bad Apprentice, and that he had wronged his Master.

Sir J. Strange. Do you know his Master?

Dickinson. Yes; his Master is in *London* now.

Sir J. Strange. So, for no other Reason, than because you have heard he was not a good 'Prentice, you take upon you to swear he is not to be believed on his Oath. I suppose you have other bad 'Prentices in *Manchester*?

Dickinson. Yes, there are.

Mr. At. Gen. *Dickinson*, did you ever see the Prisoner at *Manchester*, at the Time the Rebel Army was there?

Dickinson. Yes.

Mr. At. Gen. What was he doing there?

Dickinson. He was Colonel of the *Manchester* Regiment.

Mr. At. Gen. What, in the Pretender's Service?

Dickinson. Yes, in the Rebel Army.

The Evidence for the Prisoner being all gone through,

Mr. Solicitor General replied to what had been objected by the Prisoner's Council to the Indictment.

Mr. Solicitor General stood up, and made a Reply to the Prisoner's Council, wherein he observed, the first Overt Act of High-Treason charged against the Prisoner, is compassing and imagining the Death of the King; the next is, adhering to the King's Enemies, and levying of War against his Majesty's Person and Government, and this is founded on the Statute of the 25th of *Edward the Third.*

And

And levying of War by one or more Persons, is Treason. That this War has been levied, and that Acts of Hostilities have been committed by the Prisoner, I do not doubt but that it has been sufficiently proved to you, Gentlemen of the Jury; there is no Occasion to prove explicitly all that is laid in the Indictment; but that War has been levied against his Majesty, has been sufficiently proved and admitted by the learned Council for the Prisoner; it has been proved, likewise, that the Prisoner, with a tumultuous Number of Rebels and Traitors, did assemble in several parts of his Majesty's Dominions, and levied a cruel and destructive War; the Council on the other Side would insinuate, that the Crime was committed before the Day laid in the Indictment, therefore the Day of the Commission in the Indictment should be inserted. But admitting it was so, this Indictment is good; for in the Case of *Sir Harry Gray*, it was the Opinion of all the Judges, that *Sir Harry* was guilty, notwithstanding that the Fact was committed twelve Years before the Indictment, and it is recent in the Memory of many Gentlemen of the Law, that this was the Case of *Chandler, Layer, and Bradshaw*; and so it was allowed in constructive Treason, in the Case of *Dammetry* and others, in the Reign of the late Queen *Anne*, for pulling down of Houses, and many Cases of the like Nature in Sir *Matthew Hale's* Pleas of the Crown; for which several Reasons, and what has been mentioned before, I humbly conceive your Lordships will over-rule this Exception, as having no Weight. (Upon which the said Motion was over-ruled by the Court.) Then my Lord Chief-Justice *Lee* summed up the Evidence very impartially, and gave a most eloquent and learned Charge to the Jury, who found the Prisoner Guilty.

This Prisoner was executed according to his Sentence on *Kennington-Common*, on *Wednesday the 30th of July 1746.*

After he had hung six Minutes, he was cut down, and having Life in him, as he lay upon the Block to be quartered, the Executioner gave him several Blows on his Breast; which not having the Effect designed, he immediately cut his Throat; after which he took his Head off; then ripped him open, and took out his Bowels and Heart, and threw them into a Fire, which consumed them; then he slashed his four Quarters, and put them with the Head into a Coffin, and they were carried to the *New Gaol in Southwark*, where they were deposited till *Saturday August 2d*, when his Head was put on *Temple-Bar*, and his Body and Limbs suffered to be buried. — *A just Reward for Rebels and Traitors!*

This unfortunate Person was about 38 Years of Age, born near *Wigan in Lancashire*; of a Family remarkable for being ready for Rebellion at all Times; for his Uncle Mr. *Townley of Townley Hall of Lancashire*, was tried in *Southwark*, before Judge *Powis*, for being in the Rebellion in 1715; and though acquitted by his Jury, yet not thought innocent by the Public; for many of his Men who were tried at other Places, were convicted and executed.

In 1727, he went over to *France*, and entered himself a Volunteer in the *French King's Service* and, in 1728, obtained a Commission from the King of *France*, and continued abroad about 1 Year. He was at the Siege of *Philipburg*, where the Duke of *Berwick's* Head was shot off, and was near the Duke at that Time. He was also in the *French Army*, when the *Germans* made such a sudden Attack upon that Quarter of the Army where Marshal *Eroglio* commanded, as obliged the Marshal in a terrible Fright to run away without

Breed

Breeches. He was likewise in several other Actions and Sieges, and, as was said by his Friends, he always behaved well and with Honour.

The Reason of his leaving the *French Service*, about five Years since, and coming to *England*, was only to live some Time in his own Country; but the whole of his Time he was in *England* he spent amongst the *Roman-Catholic Families*, who were Well-wishers to their diabolical Cause; and, when the Rebel Army came into *England*, he went and met them between *Lancaster* and *Preston*; and came with them to *Manchester*, where the Pretender's Son gave him a Commission to raise a Regiment of Foot, which was immediately done; and the young Pretender, on leaving him at *Carlisle*, gave him another Commission to raise a Regiment of Horse.

His Behaviour from the first of his being taken Prisoner at *Carlisle*, to the Time of his Trial, was of a Piece, he frequently saying that he could not be hurt, for that he had a Commission from the King of *France*, and so must be exchanged upon the Cartel; but when he was convicted, he seemed a little more serious, and often said, he expected no Mercy.

He was much more reserved than many of his Fellow Sufferers; and whatever he thought, would not talk a great deal to any Body, but his particular Friends and Brother Prisoners.

The Morning of his Execution, and even at the fatal Place, he behaved very bold, and shewed no Manner of Signs of Dread, but said he hoped he should be happy in the next World.

The Trial and Dying-Speech of George Fletcher.

Wednesday, July 16, 1746.

THIS Day the Court, according to Adjournment, met at Ten in the Morning, where there were present the Lord Chief-Judge Lee, Mr. Justice Wright, and Mr. Baron Reynolds.

Note. The Indictment was the same as that of Townley's (convicted the Day before) the Treason being laid to be committed the same Time, at the same Place, and in the same Manner.

After the King's Council had opened the Charge, the following Evidence was called against the Prisoner.

Ormsby McCormack being sworn.

King's Council. Mr. McCormack, pray look upon the Prisoner, and then tell the Court, and the Gentlemen of the Jury, what you know of him; and speak out loud, that you may be heard.

Mccormack. The first Time that I saw him, was before the Rebels marched from Manchester to Derby.

King's Council. What Appearance did the Prisoner make at Manchester? Did you look upon him to be an Officer?

Mccormack. He had a white Cockade in his Hat, and marched as Captain in the Manchester Regiment. I saw the Flag that belonged to the Regiment flying, and the Motto was, *Liberty and Property, Church and King.*

King's Council. Did he march with all the Rebel Army? Were there any Pipes playing?

Mccormack. There were Pipes playing before the Highland Rebels, but none in the Manchester Regiment. — I saw him also at Derby.

Prison-

Prisoner's Council. Pray, Friend, How came you to know him so particularly?

McCormack. They called him Captain *Dawson*.

[*Here the Council for the Prisoner interrupted the Witness, because there is one Dawson now in Custody, who was an Officer in the said Regiment, and the Prisoner's Name is Fletcher.*] .

King's Council. Look at the Prisoner again.

(*Looking earnestly at him.*)

McCormack. Though I may mistake his Name, I am sure he is the Person that I saw at *Derby*, though I cannot positively say he gave any Command there as an Officer. I saw him at *Preston*, and other Places along the Road, till we came to *Carlisle*.

King's Council. Was you with him at *Carlisle*?

McCormack. I was at *Carlisle*, but he was there before I came, and there I saw him act as a Captain; and when the Soldiers were drawn up in the Castle-yard, I saw him there, and saw Arms distributed to some of the Soldiers who had none.

Prisoner's Council. Did you see him distribute any Arms to any of the Soldiers.

McCormack. I cannot say that I did.

Prisoner's Council. Then who distributed those Arms?

McCormack. It was a Scotch Officer, whom I am informed is since killed. — I heard so.

King's Council. Was not the Prisoner at the Bar at *Carlisle*, when the Duke was before the Town?

McCormack. Yes, I am sure he was, and commanded as an Officer; he had a white Cockade in his Hat, an *Highland Plaid Sash*, lined with white Silk, and all military Accoutrements that Officers have.

King's Council. Then you are certain as to his Person.

McCormack. I am certain this is the Gentleman,

for he mounted the very first Captain's Guard that was mounted at *Carlisle*. I saw him at the Surrender, and he was carried into the Church, and made Prisoner with the rest of the Officers.

Serj. *Wynne*. Are you sure he is the very Man?

McCormack. I am very sure of it, though he has been long out of my Sight.

L. C. Justice. Consider that you are upon your Oath, and what you say affects his Life.

McCormack. I am sure he is the very same, I know his Person perfectly well.

Serj. *Wynne*. How can you be so positive to him, did you ever see him before you came to *Manchester*?

McCormack. Not to my Knowledge.

Serj. *Wynne*. Where did you come from, what Countryman are you?

McCormack. I am an *Irishman*, I came from *Ireland*.

Serj. *Wynne*. What brought you to *Manchester*?

McCormack. I am a Weaver by Trade, and I came to *Manchester* last *May* was *Twelvemonth* to seek for Business, and I continued there, and worked till the 30th of *June*; then Business falling short, I went into *Warwickshire*, and worked as a Hay-maker for my Living.

Cross Examination.

Prisoner's Council. It is a little extraordinary, that you should take such particular Notice of the Prisoner; was you in the Rebel Army; was he your Commander?

McCormack. No, he was not; Captain * *Peter Moss* was my Commander.

Serj. *Wynne*. Had you any Command in the Rebel Army; was you either a Captain, or a Lieutenant?

* *Peter Moss* escaped out of *Newgate* the Night before the Rebel Prisoners were removed by *Hales Corps*, and hath not been heard of since.

McCormack.

McCormack. I had no Command at all.

Council. How came you hither to give your Evidence?

McCormack. I was taken into Custody by Mr. Carrington, one of the King's Messengers, at *West-Chester*, and I did not know I was to come to *London* to be an Evidence.

Council. Have you had any Promise of a Pardon?

McCormack. I have not, nor ever had to my Knowledge.

Sir John Strange. Pray call *Samuel Maddox*, who appeared and was sworn.

King's Council. Mr. *Maddox*, do you know Mr. *Fletcher*, the Prisoner at the Bar?

Maddox. I know him very well, and in the Month of last November, but I cannot particularly remember the Day, I saw him at the *Dog-Inn* in *Manchester*, where there were several Persons assembled, and his Name was put down as an Officer in a new-raised Regiment, called the *Manchester* Regiment; he marched as a Captain from *Manchester* to *Winslow*, and from thence on to *Macclesfield*, where the said Regiment was drawn up in the Church-yard; and all the Soldiers who were unarmed had Arms delivered unto them; the Prisoner, Mr. *Fletcher*, had there a Sword by his Side, and appeared in his Regimentals, as Captain, with a white Cockade, and a Plaid Sash.

The Rebels at *Macclesfield* were in general in Confusion for want of Men, and very much dreaded the King's Forces. I was determined to return to *Manchester*, and communicated my Thoughts and Intentions to several of my Comrades; the Prisoner, Mr. *Fletcher*, heard of my Resolution at a Place called *Blackersey*, and then he came to me, and told me it would be a scandalous Thing to make a dishonourable Retreat; and, putting his Hand in his Pocket, pulled out a great Parcel of

Gold, and told me I should never want while that lasted. I marched with him to Derby, and back to Carlisle afterwards.

Cross Examination.

Prisoner's Council. How came you to be at the Black Dog at Manchester?

Maddox. I went there accidentally: I was with the Regiment three Days before it marched, and I was never sober all the Time.

Pris. Council. What, not sober all the Time?

Maddox. I mean not all the Time I was at Manchester.

Prisoner's Council. Where did you see the Prisoner besides at Manchester?

Maddox. I saw him at Penrith, and I saw him at Carlisle, with other Officers, and with the Pretender's Son; at both which Places he acted in the Capacity of a Captain: And when Carlisle was surrendered, he went into the Church with other Officers.

Prisoner's Council. Have you had no Promise of a Pardon?

Maddox. I have had none; I told you so, Sir, several Times before.

Pris. Cour. What did none of your Friends advise you, or persuade you to do what you have done?

Maddox. I cannot say, but one of my Relations persuaded me to do what I could to save my own Life.

Prisoner's Council. Could not Mr. Fletcher have escaped to save his Life, if he would?

Maddox. I cannot tell but what he might; for Captain Bradshaw got away, but he soon joined the Army again.

Prisoner's Council. Pray what Character does the Prisoner bear at Manchester?

Maddox. I do not know much of his general Character; I have seen him at the Assembly with the

the Ladies : He was a Chapman, and dealt in Linen before this Affair.

King's Council. Pray call *Thomas Bradbury*, who appeared and was sworn.

King's Council. Mr. *Bradbury*, pray what do you know, or what have you to say against the Prisoner at the Bar ?

Bradbury. I lived at *Manchester* when the Rebels were in that Town ; and one Morning when a Serjeant and Drum were beating up for Volunteers at the *Exchange*, for the Pretender's *Manchester* Regiment, I happened to be there, where I believe there were more than 1000 People assembled : And when the Serjeant had done his Speech, and concluded with saying God bless King *J—s* and Prince *C—les* ; the Prisoner pulled off his Hat and hollowed.

Cross Examination.

Pris. Coun. As you live at *Manchester*, pray what Character does the Prisoner bear at that Town ?

Bradbury. A good Character, for ought I know ; for I only came here to speak the Truth.

K. Council. Pray call *Austin Coleman*, who being sworn, was asked if he had seen the Prisoner.

Coleman. Yes, I have seen him act as a Captain at *Preston*, *Penrith*, and at *Carlisle* ; when it was surrendered to the Duke of *Cumberland*.

Pris. Coun. What Countryman are you ?

Coleman. I am an *Irishman*, and I came to *Manchester* about 12 Months ago.

Thomas Cragg was then called by the King's Council, and being sworn, was asked what he knew of the Prisoner ?

Cragg. I saw him march from *Manchester* ; I saw the Colours of the *Manchester* Regiment flying, and the Drums beating ; and I saw him act on the March as Captain, and I saw him surrender at

Carlisle to his Royal Highness the Duke of Cumberland's Troops.

K. Coun. Pray call Captain *Neve*, who appeared and was sworn.

K. Coun. Pray, Sir, Give the Court and the Jury an Account of what you know of the Prisoner at the Bar?

Capt. Neve. I was at *Carlisle* when the Rebels surrendered the Town to his Royal Highness the Duke of Cumberland. When the Officers of the Garrison surrendered themselves Prisoners, and were in Custody, I had a particular Order from his Royal Highness, to go to the Place of their Confinement, to take the Names, Ranks, and Qualities of all those that were there. When I called on the Prisoner at the Bar, he told me he was a Captain; and when I had taken the Names of all the rest, and what Commissions they had under the Pretender's Son, I went and made a Report that Evening to the Duke, and his Royal Highness commanded me the next Day to go to the same Place; and I called over their Names, and he answered by the Name of Captain *Fletcher*.

The Prisoner's Defence.

Prif. Council. Call *Anne Acton*, who was sworn. Do you know the Prisoner?

Acton. Yes, Sir, I have known him ever since he was born, for I have lived in the Family 27 Years. He managed the Trade for his Mother at *Salford*, just over the Bridge at *Manchester*, and he had a very good Share of Business for a young Man. The Rebels came the 29th of November to *Manchester*, and we had a great many of them quartered upon us; Mr. *Fletcher*'s Mother was very uneasy at the Sight of them, and went away, because she could not bear to see them eat and drink, and make free with every Thing in the House. They tarried at *Manchester* three Days; and, upon the 8th of December,

ember, they returned again to *Manchester*, and Captain *Robinson*, who commanded the Soldiers who were at our House before, came a second Time, and asked for our Master; he went out, and there were half a dozen Soldiers at the Door, and swore they would have him, and I never saw him after. I do not know that ever he did a bad Thing in his Life, he always behaved well and dutiful to King *George*, and all the Royal Family. I never saw the least Willingness in him to join with the Pretender; all the Family were of the Church of *England*, and when they dragged him away, he went away with Tears in his Eyes.

She was cross-examined by Sir *John Strange*; and prevaricated so much in her Answers in most Questions that were asked her, that no Credit was given to her Evidence.

Charles Worrall was produced and sworn, who said, he knew the Prisoner an Apprentice, and had sold him Goods, and that the Prisoner had paid him honestly; but as to his Principles, he knew nothing of them.

Then *John Howard** was called and sworn, and being asked what Business he followed, he said, he was a Dealer in Leather.

Pris. Coun. What do you know of the Prisoner?
Witness. I cannot say that I know much of his Notions one Way or other.

Prisoner's Council. I think, Sir, you live at *Manchester*.

Witness. Yes, I do, Sir.

Prisoner's Council. Then pray inform the Court and the Gentlemen of the Jury, so far as you know, what past at *Manchester* relating to the Prisoner, during the Time the Rebels were there.

* This is the same Person that was Evidence the Day before for Colonel *Townley*.

Witness.

Witness. I cannot say any Thing particularly.
Prisoner's Council. Pray do you know that at the Time the Pretender's Party were beating up for Volunteers, at the Exchange in Manchester, that the Prisoner was present, and took off his Hat and hollowed?

Witness. I was not out of Doors at that Time; I had a Relation lay dead in my House at the same Time.

The Prisoner's Council not having any Thing more to say in his Defence, and the Testimony of Mrs. Anne Acton having very little Weight with the Court and Jury, after my Lord Chief Justice had summed up the Evidence, the Jury, without going out of Court, found the Prisoner Guilty.

N. B. The Prisoner desired his Fetters might be taken off whilst he was on his Trial, which the Court granted; but, after his Conviction, the Court gave the Gaoler Direction to iron him again, and take an especial Care of his Prisoner, for that he was convicted of High Treason.

This Prisoner was executed the same Day, viz. the 30th of July 1746, in the same Manner as Townley, and his Head with Townley's was put upon Temple-Bar, on Saturday the 2d of August, the Saturday following their Execution.

He was about 28 Years of Age, and was bred up in Salford adjoining to Manchester, where his Parents lived, who were very substantial People. His Father had been some Time dead, but his Mother is still living, whose Business he managed. He was reckoned before he took on in the Rebel Army, to be a young Man of a good Character; but, being unhappily prejudiced against the present Royal Family, he was very ready to join the Pretender's Forces as soon as they came to Manchester; and he gave

gave *Murray*, the Pretender's Secretary, 50*l.* for his Captain's Commission.

There is one Thing pretty singular in the Story of Mr. *Fletcher*, which must not be omitted, because it shewed the Heartiness of the Man in the Cause he endeavoured to support. At his Trial, Mr. *Maddox*, who was a principal Evidence against him, swore, that when the Rebels were at *Macclesfield*, they were in great Confusion for want of Men, and mightily disheartened at the Approach of the King's Forces : Upon which he (*Maddox*) determined to leave them, and return to *Manchester*, and communicated such his Intention to several of his Comrades ; which being told to *Fletcher*, he came to *Maddox*, and expostulated with him about it ; telling him what a Scandal it would reflect upon him to leave his Friends at a Juncture, when they had the greatest Occasion for his Assistance ; that if he wanted Money, he need but speak, and he should have whatever he had Occasion for ; and at the same Time, putting his Hand in his Pocket, shewed him a Handful of Gold.

Fletcher's Behaviour, during the Time of his Confinement in *Newgate*, was, as the rest of his Fellow Rebel Prisoners, very cheerful ; and he continued so during the Time he was under the Sentence of Death, even from the Gaol to the Place of Execution, and was the same to the last. He was a young Man of very good Parts, and very often acknowledged, that he had brought this Misfortune upon himself by his Obstinacy ; for that his Mother had begged and intreated of him, even on her Knees, that he would keep himself out of the Rebellion ; and when no Persuasions could prevail upon him, she offered him a thousand Pounds to do with as he pleased, if he would hearken to her Advice : But all to no purpose, and therefore

that

that he had no Body to thank but himself for the Consequences that had happened.

At the Place of Execution he delivered Papers to the Populace, as Colonel Townley and the rest of them did, the Contents of which Papers were, that they died in a good Cause; that they did no Way relent at what they had done, and doubted not but their Deaths would in Time be revenged; and many treasonable and other vile Expressions not fit to be here mentioned.

The Trials of Thomas Chadwick and William Battragh, with Chadwick's Dying Speech.

*T*homas Chadwick and William Battree, otherwise Battragh, otherwise Bretah, were both brought to the Bar, and both agreed in their Challenges of the Jury; but, before Mr. Chadwick was tried, he desired his Irons might be taken off, which was done directly; and, after having challenged 13 Jurymen, 12 Gentlemen were sworn to try them.

Mr. Att. Gen. Call Samuel Maddox; who appearing in Court was sworn.

K. Coun. Mr. Maddox, Pray relate to my Lord and the Gentlemen of the Jury, what you know concerning the Prisoners at the Bar, or either of them.

Maddox. (looking on the Prisoners at the Bar) I know both of them; Mr. Chadwick was a Lieutenant, and Mr. Battragh served as an Ensign in the Manchester Regiment in the Rebel Army.

K. Coun. Pray how did Mr. Chadwick appear; did he appear as an Officer?

Maddox. Chadwick wore a laced Hat, with a white

white Cockade in it, and I saw both of them march from *Manchester*; and, when they marched, Mr. *Battragh* had on a *Scotch Plaid Sash*, lined with a white Ribband; I was with them when they marched from *Manchester* to *Winflow*; there were a great many Men listed as we went on the Road.

K. Coun. Can you take it upon you to say that either of the Prisoners at the Bar enlisted any?

Maddox. I cannot be positive to that: But there were a great many Men enlisted by Captain *Deacon* upon our March from *Manchester*. Both the Prisoners appeared on Horseback as Officers, and I myself carried the Colours out of *Manchester*. And as we were upon the Road on our March, I saw the Prisoner *Battragh* carry the Colours once or twice, whereon was the Motto, **LIBERTY AND PROPERTY, CHURCH AND KING.**

K. Coun. Did any Thing remarkable happen at *Winflow*, relating to the Prisoners? Did they act as Officers?

Maddox. I know nothing at all particularly there.

K. Coun. What Rout did you take when you left *Winflow*?

Maddox. We marched on for *Derby*.

K. Coun. Did the Prisoners all along appear as Officers, and act as such?

Maddox. Yes they did, *Chadwick* as a Lieutenant, and *Battragh* as an Ensign: I saw them at *Penrith*, and at *Preston*: *Battragh* belonged to Captain *James Dawson's Company*, but I do not know what Company the other Prisoner belonged to, and I saw both of them reviewed by the young Pretender.

K. Coun. And what further happened? Tell my Lord and the Gentlemen of the Jury every Thing you know relating to this Matter.

Maddox. I cannot say any Thing more that is very

that he had no Body to thank but himself for the Consequences that had happened.

At the Place of Execution he delivered Papers to the Populace, as Colonel Townley and the rest of them did, the Contents of which Papers were, that they died in a good Cause; that they did no Way relent at what they had done, and doubted not but their Deaths would in Time be revenged; and many treasonable and other vile Expressions not fit to be here mentioned.

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Maddox. We marched on for *Derby*.

K. Coun. Did the Prisoners all along appear as Officers, and act as such?

Maddox. Yes they did, *Chadwick* as a Lieutenant, and *Battragh* as an Ensign: I saw them at *Penrith*, and at *Preston*: *Battragh* belonged to Captain *James Dawson's* Company, but I do not know what Company the other Prisoner belonged to, and I saw both of them reviewed by the young Pretender.

K. Coun. And what further happened? Tell my Lord and the Gentlemen of the Jury every Thing you know relating to this Matter.

Maddox. I cannot say any Thing more that is very

very material, only that from *Manchester* all the Way they acted as Officers,

K. Coun. Do you remember any Thing that was remarkable when you came to *Lancaster*?

Maddox. I remember that all the Officers were very merry there, and Mr. *Chadwick* proposed to entertain them with a Tune, and myself, and most of the Rebel Officers went into *Lancaster Church*, and went up into the Organ-gallery, and Mr. *Chadwick* played a Tune on the Organ.

K. Coun. What Tune did he play?

Maddox. He played, *The King shall enjoy his own again*; and we were all very merry.

K. Coun. Pray inform the Court, if you saw any of the Prisoners at *Carlisle*.

Maddox. Yes, I saw both the Prisoners at *Carlisle*, in the Room with the young Pretender.

K. Coun. How came they in particular to be in the Room with the young Pretender?

Maddox. We were all drawn up together to take Leave of him before he left *Carlisle*.

K. Coun. Was the Town of *Carlisle* put in a Posture of Defence against the King's Forces?

Maddox. Yes, we opposed his Majesty's Forces, and I saw both the Prisoners mount Guard in the Town-Hall, where a Guard was placed a Day or two after the Pretender left the Town.

K. Coun. Was you present when the Town was surrendered to his Royal Highness the Duke of *Cumberland*?

Maddox. I was; and both the Prisoners were put into the Isles of the Church, among the other Rebel Officers.

Cross Examination.

Pris. Coun. How long have you known *Brettah*, or *Batrugh* as they call him?

Maddox. I have known him two Years and upwards: He was an Attorney's Clerk, and came and persuaded

persuaded me to join with the young Pretender's Army, before I had an Inclination so to do : This we talked of privately in his Bed-Chamber ; he told me he had new Linen made on Purpose, and was going to the Sadler's to bespeak Bags to carry his Linen and other Things in.

Prif. Coun. Had not you and the Prisoner a Quarrel at *Carlisle*? I think you had a Trial of Skill there.

Maddox. That I confess, and I will tell you what it was about ; it was about a very foolish Affair. — Provisions being a little scarce at *Carlisle*, I had some Sausages, and the Prisoner would have them from me, and I not caring to part with them, caused a Quarrel, and we fought together.

Prif. Coun. Did not you tell him you would do for him, or be revenged on him, or some Words to that Purpose?

Maddox. No, never as I remember : I would not swear any Man's Life away for a Sausage.

Prif. Coun. Do not you swear in Expectation of saving your Life?

Mr. At. Gen. It is not a proper Question, — that has been answered already.

Sir J. Strange. Do you expect to save your Life by false Swearing?

Maddox. No, I do not indeed ; I will swear nothing but the Truth ; and, what I have sworn in this honourable Court, is all Matters of Fact.

K. Coun. Pray call *Thomas Craig*, who appeared, and was sworn.

K. Coun. Well, Sir, what have you to say to either of the Prisoners that stand by you?

Craig. I know Mr. *Chadwick* very well ; but I cannot say that I have so much Knowledge of *Bastagh*. I remember seeing Mr. *Chadwick* at *Manchester*, with a Cockade on his Hat : Then I afterwards

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wards saw him march from *Manchester* to *Winslow*, as a Lieutenant : I saw him at several other Places on the Road, and also at *Penrith*, where he still appeared as a Lieutenant.

K. Coun. Then you are sure he was a Lieutenant in the Rebel Army.

Craig. Yes; he marched from *Manchester* to *Penrith Moor* as such, and then I saw him at *Carlisle*, and there he mounted Guard as a Lieutenant. I am sure that I saw him once mount Guard.

Cross Examination.

Prif. Coun. Do not you expect to have a free Pardon ?

Craig. As to that I must trust to his Majesty's Mercy.

Prif. Coun. How came you to know Mr. *Chadwick* so well, do you know him so very well that you can be positive to him ?

Craig. I have known him many Years, and I belonged to the *Manchester* Regiment.

King's Council. Call *Austin Coleman*; who was produced, and sworn.

K. Coun. Give an Account, Mr. *Coleman*, to my Lords and the Jury, what you know of the Prisoners at the Bar ?

(*Coleman* being sworn, and looking on them, and then pointing to *Battragh*.)

That Gentleman's Name is *Battragh*, and I have seen him at *Derby*; and the other is *Chadwick*, and him I have seen at *Manchester*; there he appeared as an Officer with a Plaid-Sash, and a laced Hat, with a white Cockade in it: I did not see *Battragh* have any. They both appeared as Officers in marching along : They were sometimes on Foot, and sometimes on Horseback.

K. Coun.

K. Coun. Do you know any Thing of their being at Carlisle?

Coleman. I saw them both in the Guard-Room with Capt. Fletcher.

K. Coun. Did they wear their Sashes there, as other Officers did?

Coleman. I cannot remember that; but when the Town was surrendered to the Duke of Cumberland, they were put into the Church with other Rebel Officers.—I am sure of that.

(Ormsby McCormack was next produced and sworn.)

K. Coun. Do you know either of the Prisoners?

McCormack. Yes, I have seen both of them in the Manchester Regiment; I saw Bretagh with the Rebel Army, and he carried the Colours from Penrith to Carlisle.

K. Coun. And did you see him at Carlisle?

McCormack. Yes, I saw him there when the Town was besieged by the Duke of Cumberland.

K. Coun. Did he ever mount Guard at Carlisle?

McCormack. Not to my Knowledge; but I have seen him in the Guard Room, with a Sword, a Sash, and a Cockade.

K. Coun. And you always took him to be an Officer there, did you not?

McCormack. Yes, for I very well remember, that he was walking up and down the Castle-Yard, as an Officer, when the Arms were distributing to the Rebel Soldiers there, and Mr. Chadwick was with them.

John Collins, a Boy of 13 Years of Age was called and sworn.

Prif.

Prif. Coun. Do you know the Nature of an Oath, Child?

Collins. Yes I do; I know I am sworn to speak the Truth, and I shall never be happy if I do not.

K. Coun. Do you know either of the Prisoners; was you among the Rebels at *Carlisle*?

Collins. Yes, I was, and was a Servant to Capt. *Lowther*, and we were taken Prisoners by the Duke at *Carlisle*, where, on my Knees, I begged my Life of his Royal Highness, which he generously granted, and God bless him for it. I saw both the Prisoners at *Carlisle*, and there they always acted as Officers in the *Manchester Regiment*; *Chadwick*, as a Lieutenant, and *Batrugh* as an Ensign: I know them both perfectly well.

K. Coun. Pray call Capt. *Nevet*, who was sworn.

K. Coun. I think, when *Carlisle* surrendered to his Royal Highness the Duke, you had a Command from his Royal Highness to go to the Church where the Officers were Prisoners, and to take their Names.

Nevet. Yes, I had, Sir.

K. Coun. Do you remember to have seen either of the Prisoners at the Bar at *Carlisle*?

Capt. Nevet. Perfectly well: The first Time that I saw them, Mr. *Chadwick* gave in his Name as a Lieutenant in *Tounley's Manchester Regiment*; and the other Prisoner, *Batrugh*, told me he was an Ensign in the same Regiment; I noted it so in my Paper: And on making a Report to his Royal Highness the Duke, and giving in a List of their Names, and Qualities, I was ordered to go the next Morning, and I went accordingly, and called all the Prisoners over by their Names, and they answered, *Chadwick* as a Lieutenant, and *Batrugh* as Ensign.

The King's Witnesses being all gone through, and neither of the Prisoners making any Defence,

or called any Witnesses to their Characters, the Jury without going out of Court, found both the Prisoners Guilty of High-Treason; and the Court ordered the Irons to be put on Mr. *Chadwick* again.

The Prisoner *Chadwick* was executed on *Kensington Common*, on *Wednesday* the 30th of *July*, 1746, according to his Sentence; and his Head was preserved in Spirits, and sent down to *Carlisle* or *Manchester*, to be put up as those of *Townley* and *Fletcher's* had been on *Temple-Bar*; but his Body was delivered to his Friends to be buried.

He was about 32 Years of Age, of very honest and creditable Parents in *Manchester*, and whose Father is now living there, and follows the Trade of a Tallow-Chandler and Soap-Boiler. This unfortunate Man was bred up to the same Trade, but he playing pretty well on several Instruments, kept a deal of the most polite Company of the Place, and never followed any Trade.

He was a Person of great Resolution, and could, as he used to say, look Death in the Face, with as much Pleasure as he could a Friend who came to visit him, and could meet it with as much Good-will. His Behaviour, during the whole Time of his Confinement, was always cheerful and merry, taking all Manner of Pleasures the Gaol afforded; and frequently declaring, that what he had done he was not sorry for, for if it was to do again, he would act in the same Manner.

The Morning of his Execution, whilst they were at Breakfast, Mr. *Chadwick* said to Mr. *Barwick*, *Ab ! Duke*, (for this is the Name that *Barwick* went by in the Rebel Army) our Time draws very near; though as to my Part, I am as hearty as ever I was in my Life. Mr. *Barwick* replied, As to my Part, I think we all look pretty well, and I declare Death don't shock me in the least. I hope God will

will be merciful to us all; for I can lay my Hand in my Heart, and say, the greatest Injury I ever did was to myself and Relations; and though I have brought them and myself to Disgrace, they have been so kind as to forgive me, and would have saved my Life had it been in their Power.

The other Prisoner *Battragh* received his Majesty's most gracious Reprieve for three Weeks.

The Trial and Dying Speech of Thomas Deacon, for High-Treason, July 17th, at the Court House at St. Margaret's-Hill.

THE Court being sat, the following Judges being present, viz. Lord Chief-Justice *Willis*, Mr. Justice *Abney*, Mr. Justice *Forster*, Thomas Deacon was put to the Bar.

[As his Indictment was the same with all the rest of the Rebel Officers, we shall not take up the Reader's Time to insert it so often; for which Reason the Indictment we shall omit in the following Trials.]

King's Council. Call Mr. *Samuel Maddox*, who appeared and was sworn.

King's Council. Mr. *Maddox*, give an Account to the Court and Jury what you know of the Prisoner that stands by you.

Maddox. I saw him at the *Bull-Head* at *Manchester*, where he sat at a Table, writing down the Names of such as enlisted in the Pretender's Service; for which he was paid for every Name enlisted, One Shilling. There were several blue and white Ribbands lying before him, which, when he was

was not writing, he made up into Favours, and gave them to the Men enlisted. I saw him march from *Manchester* to *Winflow* as an Officer, wearing a Plaid Waistcoat, with laced Loops, a broad Sword by his Side, a Brace of Pistols stuck in his Girdle, and a Cockade in his Hat. When he beat up for Voluntiers at several Places, he made a very long Speech, inviting all Gentlemen Voluntiers to come and serve *Charles*, Prince Regent, and they should have good Quarters, be well used by the Officers, and enter into present Pay; and when they came to *London*, they should receive five Guineas to bear their Expences Home, if they thought proper to leave the Service, and should receive Thanks and have a Protection. At *Winflow*, he was ordered by the Pretender to march to *Derby* as a Guide, with Ammunition, &c. that had been seized; and at *Leake* he went with *Thomas Sydall* and *James Bradshaw*, to raise Recruits, and joined the Rebel Army again at *Manchester*. That at *Preston* he commanded his Company, and gave Directions to the Officers under him, who obeyed him; and that at *Carlisle* he mounted Guard in the Town-hall during the Siege.

Thomas Bradbury, another Witness, swore, That the Prisoner was a Captain in the Rebel Army, and was dressed as above. That he, the Witness, being a Servant to a Printer at *Manchester*, the Prisoner, with other Rebels, came to him, in the Absence of his Master, and compelled him to print a treasonable Paper, which they called a *Manifesto*, and likewise an Advertisement; both which were delivered into Court, and read. The Advertisement, or Hand-bills, were distributed by the Rebels, offering all fitting Encouragement to such as would enlist with them, and that he the said *Deacon* was in a great Hurry, and came several Times to the Printing-Office, and threatened Mr. Brad-

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bury, if he did not get the Papers ready, he should be severely punished—and that he, the said *Deacon*, brought with him when he came for the said Papers, a great Number of Horse belonging to the Rebel Army, who threatened to pull down the House.

Thomas Craigg, another Witness, swore, That he saw the Prisoner mount Guard at *Manchester*, *Preston*, and *Carlisle*; that he was Lieutenant-Colonel, and promoted for his great Diligence in raising Recruits.—*Capt Nevet* swore, That the Prisoner said, his Name was *Thomas Deacon*, and that he was a Captain in the *Manchester* Regiment.—*Capt. Cary* confirmed *Capt. Nevet's* Testimony.

The Prisoner had no Witnesses to produce, so the Jury found him guilty of the Indictment.

This unfortunate young Man, who was about 22 Years of Age, was the Son of Dr. *Deacon of Manchester*, who gave him a liberal Education, and designed to have brought him up to his own Profession; but he was unhappily prejudiced in Favour of the Pretender, against the present Royal Family, by the Company he frequently conversed with; and by their Persuasion, took on in the Rebel Army as soon as it came into *Manchester*, and he had often declared, before the Rebels came to the Town, that he would join them as soon as they did; and was one of the most strenuous Zealots for the Cause amongst them.

It was very unfortunate for his Family, his taking a Commission in the Pretender's Service, for by his Example his two Brothers did the same, one of which died in the Pretender's Service, and *Charles the younger*, now lies under Condemnation; an Account of whom is hereafter given in his Trial.

His

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His great Activity in the Service made him so far taken Notice of by the young Pretender, that he was made Lieutenant-Colonel of the Regiment, and was to have been Colonel of the same, as soon as Col. Townley had raised his new Regiment of Horse.

His taking Leave of his Brother *Charles Deacon* in the County Gaol was very moving: his Brother declaring he had rather have suffered with him, than to survive him; and that was the only Time any particular Alteration could be discerned in him, and then he was in great Agonies, and wept.

He was executed with Townley and the rest, on *Kennington-Common*, on *Wednesday the 30th of July, 1746*, in the same Manner as Townley. His Body was delivered to his Friends to be buried, and his Head was preserved in Spirits, and sent down to *Carlisle* or *Manchester*, to be put up on one of the Gates.

*The Trial and Dying Speech of
John Barwick.*

*J*ohn Barwick was then brought to the Bar, and being arraigned on the same Indictment, with the other *Manchester* Officers, the Jury were sworn to try him, The Treason, and Overt Acts of Treason, were laid to be committed on the 10th of November.

The first Witness for the King that was called, and sworn, was *Samuel Maddox*; and he depos'd, That he had often seen the Prisoner, particularly at *Manchester*, and other Places, and that he always appeared as an Officer, and gave his Command; he saw him at *Carlisle*; and that he was there when the Town surrendered.—*Mr. Bouker,*

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the *Manchester* Constable, said, That he saw him in the Town, and that he appeared in the same Garb as the other Officers belonging to the Regiment, which they called, the *Manchester* Regiment.

The Council for the Prisoner insisted, that the Charge was not proved ; for that in all Cases of High-Treason, there must be two positive Witnesses to prove the Fact, and, as they apprehended, that was not done sufficiently by the two Witnesses that had been examined ; on which the King's Council called Capt. *Nevet* and Capt. *Carey*, who both appearing, and being sworn, deposed, That when they went into *Carlisle* by the Duke's Order, to take an Account of what Rank all the Officers were, the Prisoner gave in his Name to them, as a Lieutenant in the *Manchester* Regiment.

The Prisoner calling no Witnesses, the Jury found him *Guilty*.

This Prisoner was about 32 Years of Age, and was a Housekeeper in *Manchester*, and a considerable Dealer in checqued Linen, where he kept a Shop, and had a good Trade ; but not being so diligent as young Tradesmen should be, and loving his Pleasure too well, 'tis thought he was running behind-hand in the World ; and that not being able to settle his Accounts with his Creditors, was the principal Reason (as the Report goes) that induced him to take on with the Rebels.

The Commission he bore was a Lieutenancy in the *Manchester* Regiment, given him by the Pretender ; to whom he had been well recommended as a Man of undaunted Courage and Resolution, firm to his Party, staunch to his Principles, and of a bold enterprizing Disposition, of which he discovered manifest Tokens on every Opportunity that offered.

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He was executed also on *Kennington Common*, with *Town'ey* and the rest, according to the Sentence, on *Wednesday the 30th of July, 1746*, and his Head was put into Spirits, and sent to *Manchester* or *Carlisle*, to be put up in one of those Places; his Body being delivered to his Friends to be buried.

The Trial and Dying Speech of James Dawson.

James Dawson was indicted for High Treason, *J* in levying War against the King, and adhering to his Majesty's Enemies, &c. And the Indictment charged the Prisoner with committing the Treason on the 10th of November.

King's Council. Call *Samuel Maddox*; who appeared, and was sworn; and deposed, That Mr. *Dawson* was a Captain in the *Manchester* Regiment, and was drawn up as a Captain at the Review before the young Pretender at *Macclesfield*.—That he saw him at *Penrith*, at *Carlisle*, and other Places along the Road, at the Head of his Company.—*Mr. Maddox* also deposed, That *Dawson* the Prisoner beat up for Voluntiers at *Derby*, and made the same Speech that *Deacon* made when he beat up for Voluntiers for the young Pretender, and pulled his Hat off and hallooed.

Thomas Joy deposed, That he saw him at *Carlisle*, and saw him mount Guard there; and said, he walked with the Officers; and that he was called Captain.

James Warren deposed, That the first Time he ever saw Mr. *Dawson* was at *Lancaster*; and that he afterwards saw him at *Carlisle*; and that he was there when the Town surrendered, and always appeared as a Captain.

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Then Capt. *Nevet* and Capt. *Carey* proved, That he was at *Carlisle* when the Town surrendered, and acknowledged himself an Officer in the *Manchester* Regiment, in the Service of the Pretender.

His Defence.

Prisoner. I had a Promise of Mercy from his Royal Highness the Duke of *Cumberland*, upon the Capitulation of *Carlisle*; and I hope the Court will consider my Case.

The Jury found him *Guilty*.

This Prisoner *James Dawson* was about 28 Years of age, born of very reputable Parents in *Lancashire*. After he had gone through the Exercises of the School and the Classicks, his Parents put him as a Student in *St. John's College, Cambridge*; and after he left the College, he went to *Manchester*, and there lived on the Fortune he had of his own, and what else he was supported with by his Friends. He was always a mighty gay Gentleman, and frequented much the Company of the Ladies, and was well respected by all his Acquaintance of either Sex, for his genteel Deportment.

He was as strenuous for their vile Cause as any one in the Rebel Army, and gave 150*l.* to *Murray*, the Pretender's Secretary, for his Commission as Captain of a Company in the *Manchester* Regiment.

When he was brought to the Gaol after his being condemned and double fettered, he said, He did not care if they were to put on a Ton Weight of Iron on him, it would not in the least daunt his Resolution.

He was executed according to his Sentence on *Kensington-Common*, on Wednesday, July 30, 1746, with *Townley* and others; but his Head and Body were delivered to his Friends to be buried.

THEN

THEN Christopher Taylor, an Ensign in the Manchester Regiment, was brought to the Bar, and before the Crier called over the Jury to try him, he desired the Court would suffer him to retract his Plea; which being granted, he pleaded Guilty, and received his Majesty's most gracious Reprieve for three Weeks, from July 30, 1746.

John Hunter was indicted for High-Treason, which was laid in the same Manner as in the other Indictments.

Mr. Samuel Maddox could not prove that the Prisoner was in Arms; and Capt. John Vere swore he was forced into the Rebellion, and at Preston the Rebels tied him and the Prisoner together with a Rope, and forced them both to walk many Miles without Shoes, and that the Prisoner was so lame, that he walked in the greatest Torment.

It plainly appearing to the Court and Jury, by the said Maddox and others, that Mr. Hunter was forced into the Rebellion, he was acquitted; and the Court ordered the Keeper immediately to knock off his Irons, and discharge him out of Custody, which was accordingly done.

St. Margaret's-Hill, July 18, 1746.

THIS Morning the Lord Chief-Justice Willes, Mr. Justice Wright, and Mr. Baron Clive, having taken their Seats in Court, Andrew Blood, alias Blyde, was set to the Bar; and he desiring to retract his former Plea, the Court allowed the same, and he pleaded Guilty.

This Prisoner was executed with the others at *Kennington-Common*, on *Wednesday* the 30th of *July*, 1746.—He was born of a very reputable Family in the North-Riding of *Yorkshire*, and was Steward to a Gentleman of a very plentiful Fortune in that Part of the Country, and always behaved exceeding well, and was a young Man who kept Company with the better Sort of People. As it can be of no Service to the Public, we forbear mentioning the Gentleman's Name whom he served; but his Master made great Interest to save him, though to no Purpose.

When the Rebels marched from *Lancaster* to *Manchester*, he joined the Rebel Army, and went with them, and was by the young Pretender made a Captain in the *Manchester* Regiment as soon as it was raised.

Both before and after his Condemnation, he behaved with great Decency; and it may be truly said, that he was the only one who sincerely repented of the Part he acted for the Pretender, but was too late convinced of his fatal Error.

When he received Sentence, he appeared calm and resigned, and seemed to have a deep Sense of the moving Speech made by the Lord Chief-Justice, and made a low Bow, when he went from the Bar, to his Lordship, and the honourable Court.

His Head and Body were delivered to his Friends to be buried.

The Trial of John Saunderson.

Clerk of the Ar- M R. Jones (who is Keeper of the
raigns. County Gaol) put John Saun-
derson to the Bar; which was immediately done.

King's Coun. Call John Davidson; who appear-
ed, and was sworn.

K. Coun. Pray, Sir, give an Account of what
you know of the Prisoner's being in the Rebel-
Army.

Davidson. I saw the Prisoner at Carlisle; he ap-
peared there as first Captain in the Manchester Re-
giment: I am certain to his Person.

Prisoner's Coun. What are you, Sir? you swear
very positive.

Davidson. I am a Gentleman, and live in the
County of Cumberland on what I have.

Allen Stewart was then called and sworn; and
said, that he saw Mr. Saunderson at Carlisle, at the
Head of his Company, and that he was in the
Town-Hall, and mounted Guard in the Rank of
a Captain.

It was also proved by Mr. Maddox, That the
Prisoner was first Captain in the Regiment, and
was consulted by the Pretender and the other Re-
bel Officers, upon every Occasion, what was most
proper to be done.—That he was very angry
when they proposed to surrender the Town and
Castle of Carlisle to the Duke; and said, he would
sooner die at the Mouth of a Cannon than consent
to it.—And this Evidence farther deposed,
that he had heard him speak the Words more than
once.

And several other Witnesses proved his being a
Rebel Officer in the Manchester Regiment.

The Prisoner called two Women in his Defence, to invalidate some Part of the Evidence ; but the Jury finding the Treason plainly proved, found him *Guilty*.

His Majesty was graciously pleased to reprieve him for three Weeks, from July 30, 1746.

The Trial and Dying Speech of Thomas Syddall.

Thomas Syddall was indicted for High-Treason in levying War against his Majesty, and adhering to his Majesty's Enemies, &c.

The King's Council called James Warren, who deposed, That he saw the Prisoner reviewed as an Officer on Penrith Moor, and at other Places.

Thomas Bradbury swore, That he saw him at Manchester with the Rebel Army.

Thomas Craigg deposed, that he saw him carry the Pretender's Colours into Lancaster.

Thomas Joy being called and sworn, deposed, that he saw the Prisoner act as an Adjutant at Carlisle.

It was also proved by the Witnesses, that Syddall often said, that he would live and die in the Cause he was engaged in ; and desired the Officers, when a Consultation was held at Carlisle, never to give up the Place, but lose their Lives bravely.

The Prisoner made no Defence, nor called any Witnesses. Guilty.

Thomas Syddall, was about 40 Years of Age, and was a Native of the Town of Manchester, being bred to the Business of a Barber and Peruke-maker, and had the most Business of any Man of his Profession in the whole Town, and was reputed to be worth no less than 1500*l.* Sterling when he joined the Rebels. He had five Children living, and ever since

since his Confinement, both before and after Sentence, he often was heard to say, that he hoped they would all die in the same Cause; for that his Father (who was hanged at *Manchester* in the Rebellion in 1715) died a Martyr, and was sent to the Seat of Joy some Years before he could have possibly gone, according to the common course of Nature.

He was not in the least affected when he received Sentence of Death; he was of a bold and enterprising Resolution, and bore his Afflictions seemingly without the least Shock till the Day he died; but that Morning when the Executioner began to halter him, he seemed to tremble, and before his Hands were tied, took a Pinch of Snuff. He did not seem the least shocked at the Place of Execution. He was executed with the others on *Wednesday, July 30, 1746*; his Head was carried to *Carlisle* or *Manchester* to be put up, and his Body delivered to his Friends to be buried.

The Trial of James Willding.

James Willding, otherwise *Wheelding*, was indicted for High Treason, &c.

It appeared by Mr. Samuel Maddox's Evidence, that when the Pretender's Army was at *Manchester*, the Prisoner joined them, and was made an Officer there; that he marched from *Manchester* with the Rebels on Horseback, and that he saw him at *Carlisle* reviewed as an Officer.

His being at *Derby*, *Penrith*, *Leake*, and several other Towns with the Pretender's Army, was fully proved by several other Witnesses; so the Jury found him Guilty. But, on account of his Youth, recommended him to his Majesty's Mercy.

The Prisoner *Wheeling* (which is his right Name) who is not 17 Years of Age, by the Testimony of one whom his Council called, deposed, That the Prisoner's Father was a Scarlet Dyer at *Manchester*, and had obliged his Son by Threats and Compulsion to join the Rebels; and that his Son refused to go; and that the Prisoner's Father got a Horse for him, and he marched out of *Manchester* as a Lieutenant of Pioneers, and went all along the Road to *Derby*, and from thence back to *Carlisle*, and was there at the Siege; and the Pioneers Company being broke, he was then made an Ensign.

This Prisoner has received his Majesty's most gracious Reprieve for three Weeks from the 30th of July 1746.

N. B. *The Court was pleased to express, on hearing the above Witness, that they wished the Father had been there instead of the Son.*

The Trial of Charles Deacon.

Charles Deacon (a Youth of about 15 Years of Age) was indicted for High Treason, &c.

It appeared by the Evidence of *Samuel Maddox*, and several other Witnesses, that the Prisoner served as an Ensign, and enlisted at *Manchester*, and marched from thence with his Brother *Thomas*, and surrendered himself at *Carlisle* to his Royal Highness the Duke.

He could say nothing in his Defence, nor had one Witness; so the Jury found him Guilty; but desired the Court to recommend him to his Majesty's Mercy.

When the Evidence for the Crown was closed,
Mr.

Mr. Serjeant *Wynne*, of Council for the Prisoner, made an excellent Speech to the Court and Jury, and observed, 1st, That the Prisoner was not above 15 Years of Age, and that he scarcely knew there was a King; and, being only a School-boy, he went with his Brother *Thomas* at his Request, to avoid the Wrath of an austere Father, who was greatly incensed at him, because he left the School. The Council for the Prisoner observed, That it was common for School-boys to call one another Captains, Lieutenants, and Ensigns, and therefore (said he) I do not wonder that they called the Prisoner an Ensign. When he was taken, it would have been very proper to have sent him to his School-master, to be corrected severely for playing Truant. And concluded in telling the Jury, that it might have been the Case of any of their own Children, to be drawn into such an Affair as the Prisoner has been; and, therefore, he hoped they would acquit him of the High-Treason he stood indicted.

This Prisoner received his Majesty's most gracious Reprieve for three Weeks, from July 30, 1746.

*The Trial of David Morgan, of Monmouth,
but late of Derby, Esq; with his Dying
Speech.*

THE King's Council opened the Indictment, and proceeded, and called the following Witnesses to support the same against the Prisoner.

Sol. Gen. Call *Edward Tew* (which was done accordingly) who appeared in Court, and was sworn.—Pray, Mr. *Tew*, inform my Lord and the Jury,

Jury, what you know relating to the Prisoner at the Bar.

Tew. I live at *Preston* next Door to the Sign of the Joyners Arms, and when the Rebel Army was there, I assisted my Neighbour to wait on some Company that were at that House, most of whom were Officers belonging to the Rebels.

K. Coun. Can you recollect ever having seen the Prisoner there?

Tew. I remember him very well, for I waited on him at Dinner, when Lord *Elcho* and he dined there together.

K. Coun. Do you remember any Discourse that passed?

Tew. The Prisoner asked Lord *Elcho* what Number of Men the Young Pretender (which the Prisoner called Prince) had landed with him.

K. Coun. And what Answer did he make?

Tew. He said not above Half a Dozen, but the Number soon increased when the Clans heard he was landed; and also that they had 17 Pieces of Cannon.

K. Coun. And what further Discourse passed between them?

Tew. The Prisoner asked Lord *Elcho* what Religion the Pretender professed?

K. Coun. And what was the Reply?

Tew. My Lord *Elcho* shook his Head, and said, he could not very well tell; but he believed his Religion was to seek.

K. Coun. And what passed then?

Tew. The Prisoner asked if they had ever beat up for Volunteers in *England*, and Lord *Elcho* said they had not; and then the Prisoner advised him to beat up for Volunteers, and said it would be an easy Matter to march forwards for *London*, for that there was not above 3000 Soldiers between there and *London*, and most of them were Dragoons, besides

sides a few undisciplined Troops that were raised by Lord Gower and Lord Cholmondeley, who would make but little Opposition.

K. Coun. Well, Sir, go on.

Tew. I know nothing more that is particular, that passed at that Time; but the next Morning the Prisoner came, and asked for Lord Elcho.

K. Coun. What Appearance did he make then?

Tew. He was in a white Cockade and a Sword by his Side; and I saw him several Times walking up and down the Town with the Rebel Officers.

K. Coun. Did you see the young Pretender?

Tew. He marched at the Head of the Regiment, and did not lodge (as I have heard) but two or three Doors from the House where the Prisoner at the Bar lodged.

K. Coun. What Number of People do you think the young Pretender's Army consisted of?

Tew. The Talk in Town was, that they were 6000 strong: There was a great many, but as to the Number I cannot be positive.

K. Coun. Do you imagine he was forced into the Rebels Service?

Tew. He was under no Force that I saw, for he appeared all along to be one of the Heads of them, and all of them seemed to have a great Regard to what he proposed, particularly about the Proposals he made for beating up for Voluntiers.

K. Coun. Will you ask this Witness any Questions?

Prif. to Tew. I desire, Sir, that you would give the Court an Account how you came to know that my Name is Morgan?

Tew. I cannot say now that your Name is Morgan, but I am very positive to your Person. — I know your Face very well, and if I was not well assured that you are the very same Man, I would not swear it.

K. Coun.

K. Coun. Was the young Pretender at that House?

Tew. I do not know, but they said that he lodged a few Doors further.

John Barry called and sworn.

K. Coun. *John Barry*, I desire you would inform the Court and Jury, what you know relating to Mr. Morgan, the Prisoner at the Bar?

Barry. I came out of *Monmouthshire* with my Master and Prisoner at the Bar, in the Month of November last, and at the Town of *Preston* we joined the Rebel Army. About a Mile on this Side of *Preston* my Master and the Prisoner left their Horses, and walked to *Preston* on Foot to avoid any Suspicion of what their Design was.

K. Coun. And what Part did the Prisoner at the Bar act; and how did he behave during the Time you was with the Rebel Army?

Barry. I saw him ride with the Rebel Army, from *Preston* to *Manchester*, and he was very active in encouraging the Rebel Officers and Soldiers. After that I saw the Prisoner at *Ashborn*, and he said there that he would not leave the Army as long as he lived. — I cannot say that he bore any Commission as an Officer: If he did it is more than I know.

Benjamin Bowker called and sworn.

K. Coun. Mr. Bowker, acquaint my Lord and the Gentlemen of the Jury, what you know of Mr. Morgan the Prisoner.

Bowker. Upon the 29th of last November, I had this Paper delivered to me, (holding a Paper in his Hand, and looking at it). It is a Paper ordering me to search for Arms.

K. Coun. What are you, Sir?

Bowker. I am a Deputy Constable of *Manchester*.

K. Coun.

K. Coun. Who gave you that Paper?

Bowker. The Prisoner at the Bar and Mr. Wallis, who was one of the Head Constables.

K. Coun. Then the Prisoner was with Mr. Wallis, when you had that Paper delivered to you.

Bowker. Yes, he was.

K. Coun. What were the Contents of the Paper?

Bowker. It was a Warrant signed by Murray the Pretender's Secretary, to search for all the Arms I could find, and if any Body refused to deliver up and surrender their Arms, they were to suffer Military Execution against their Goods and Effects.

[*Then this Paper was delivered by Mr. Bowker, to the Clerk of the Arraigns, and was read in Court; but it is so very treasonable, that it is improper to insert it. The Preamble called the Pretender's Son, Regent of England, Scotland, and Ireland, and required all whom it may concern, to pay due Obedience to that Order.*] .

K. Coun. What, did you get any Arms of the Town's People at Manchester?

Bowker. I did, and carried them to the Prisoner's Lodgings, and left them there, though I did not see, but I asked for Esquire Morgan, and one of the Servants belonging to the House told me, he would be there presently.

K. Coun. Do you know any Thing further?

Bowker. I do not: I have spoke all that I can recollect.

K. Coun. Call Samuel Maddox next, and swear him.

(Then Samuel Maddox appeared, and was sworn.)

K. Coun. Mr. Maddox, inform the Court where you first saw the Prisoner at the Bar.

Maddox. I saw Mr. Morgan, the Prisoner at the Bar,

Bar, at *Manchester*, when he was joined with the Rebel Army; he had a white Cockade in his Hat, and a Sword by his Side, and publicly declared that he was of the Pretender's Party.

K. Coun. Did he march away from *Manchester* with the Rebels?

Maddox. He marched with them to *Derby*, and there being an Information given that some Arms were secreted from the Rebels, he gave Orders for a Party of the Rebel Army to go and search for them.

K. Coun. Did he go with that Party?

Maddox. Not to my Knowledge. I saw Captain *James Dawson* * deliver him a Pair of Pistols.

K. Coun. Whilst the Rebels were at *Manchester*, was not there some Talk of the Prisoner's being made Colonel of the *Manchester* Regiment, as it was called?

Maddox. I was in the Room at Mr. *Cookson's* at the Dog at *Manchester*, when the Proposal was made for the Prisoner to be Colonel of the Regiment; but he refused it, and said Mr. *Townley* was much fitter than he for such an Office; and then it was agreed amongst those that were present, that Mr. *Townley* should be Colonel, and he was declared so, and had the Pretender's Son's Commission.

K. Coun. You say you saw him march from *Manchester* to *Derby*.

Maddox. Yes, I did; he marched as a Gentleman Voluntier, and was very active, and did all in his Power to promote the Interest of the Rebels.

Mr. Maddox was cross-examined by the Prisoner.

Pr. You talk so very exactly, I desire to know if you ever made any Memorandums of what passed?

* *Dawson* was the Day before convicted of High-Treason, being one of the Rebel Captains.

Maddox.

Maddox. I did, but I have not got those Memorandums, for I delivered them to that Gentleman (*pointing to the Solicitor of the Treasury's Clerk*).

Pr. Are you sure they have never been altered?

Mad. I am very sure they never were by my Direction; since they have been out of my Custody I have never seen them. I have made no Use of them to refresh my Memory, for I can remember the Particulars very well without them.

K. Coun. Call Captain *Vere*, and swear him, (which being done he stood up:) — Pray, Captain, inform us what you know of the Prisoner?

Vere. On the 3d of November I saw the Prisoner at Sir Peter Davenport's at *Macclesfield*, with several of the Rebel Officers; and I have seen him at several other Places march with the Pretender's People. I knew him very well, for he abused me, and called me a great Scoundrel, because he said I had prevented a Gentleman from getting a Commission under Sir Daniel O'Carrol.

K. Coun. Are you positive the Prisoner is the same Person you saw at *Macclesfield*, and in the Pretender's Army?

Vere. I am sure he is the very same; I saw him at several Places, particularly I remember to have seen him about a Mile out of *Derby*, riding with the Pretender on a bay Horse.

K. Coun. When was you at *Macclesfield*?

Vere. I saw him there on the 3d of November, and on the 5th I saw him at *Derby*; and I am sure he is the very same Man, because I know him very well.

(*Mr. How called and sworn.*)

K. Coun. Mr. *How*, do you know Mr. *Morgan*?

How. Yes, I know him very well; This Gentleman (*pointing to the Prisoner*) who stands by me is Mr. *Morgan*.

K. Coun. What do you know of him?

How.

How. He lodged at my House, and was accounted a principal Man amongst the Rebels, and they called him the Pretender's Counsellor.

K. Coun. How do you know that he was a principal Man?

How. Because he seemed more active than any of them. He paid me the Reckonings when he used to dine with the Rebel Officers. He paid me a Guinea and three Shillings, and gave all Directions about every Thing.

K. Coun. Had you any Discourse with him?

How. Yes, I had; when the Rebels were at Derby, he asked me, if I was surprised at their being there so soon? I told him, that I expected them as that Night.

K. Coun. What did he say then?

How. He said it was more than they expected themselves; and if I had heard such News, he was sure that the D—l had brought it me.

K. Coun. And what do you know further?

How. I have seen the Prisoner since he has been taken up.

K. Coun. Where have you seen him?

How. In Newgate.

K. Coun. Had you any Discourse with him there?

How. Yes, I had.

K. Coun. Then relate it to the Court and Jury: Speak all that you can remember.

How. I came to Town on Business, and being informed that Mr. Morgan was in Newgate, I went there out of Curiosity to see him; when I came there I spoke to him, and he seemed glad to see me, and asked me kindly how I did, and we drank together, and had some Discourse.

K. Coun. What did that Discourse relate to?

How. I said I was very sorry to see him a Prisoner in such a Place.

K. Coun. And what did he say to that?

How.

How. He said he should soon be at Derby in
Spite of King George, or any Body else.

The Prisoner's Defence.

Prif. Coun. My Lord and Gentlemen of the Ju-
ry, I cannot speak so exactly to the Evidence that
has been given against this unhappy Gentleman, as
I could wish, because I have not had my Brief above
half an Hour. If my Instructions be right, I will
take upon me to say, that we shall produce Evi-
dence of good Credit and Reputation, who will
prove, that this Gentleman, the Prisoner, was
forced into the Service of the Rebels, and at several
Times, and several Places, endeavoured to make
his Escape from them; which he at last effected,
and was seized, after he had made his Escape, by
a Magistrate, and committed Prisoner. And to
prove that the Prisoner did make his Escape, I shall
call Mr. Chatterton, who is the Master of the
House where the Prisoner lodged at Ashborn in Der-
byshire.

Mr. Chatterton being called and sworn.

Prif. Coun. Sir, do you know any Thing of the
Prisoner's endeavouring to make his Escape from
the Rebel Army?

Chatterton. Yes.

Prif. Coun. And how did he propose to make it?

Chatterton. He was to go out of Town one
Morning about one or two o'Clock, and ordered
me to call him at that Time.

Prif. Coun. And did you call him?

Chatterton. I did, but he did not care to rise
then for fear he should be stopt (in endeavouring to
get away) by the Rebel Guard, who were posted
all about the Town. He said, that about five in
the Morning would be the most proper Time, for
then the Rebel Pipes would begin playing, and they
would

would all be busy, and that was his only Time to make his Escape from them.

Prif. Coun. And did he go away from your House, and out of *Ashborn* Town?

Chatterton. Yes, he went away, and asked me to go with him as a Guide to shew him some Bye-Way to *Stone*; and said, it would be very proper for us to get to some Farm-House, and hide ourselves, lest the Rebels should send in search of him, and if we should be taken after he had got away, and brought again to the Rebel Army, he did not know what might be the Consequence.

Prif. Coun. Did you go with him as a Guide, Sir?

Chatterton. When he proposed it to me, I said, Mr. *Morgan*, it is impossible for me to leave my House, for we are all in a Hurry, and therefore you cannot expect I should go, but I will send a Man with you that will do as well.

Prif. Coun. And did you send a Man with him?

Chatterton. I spoke to a Man who worked Labouring Work with me, who I knew was well acquainted with the Country, and he agreed to go; and they both set out of *Ashborn*, and the first News that I heard afterwards, was, that the Prisoner and my Man were both seized on Suspicion of being of the Rebel Army. And what I heard was very true, so I went to the Gentleman by whose Order they were apprehended, and enquired about the Matter, and told him how the Affair was, just in the same Manner I have informed this honourable Court; but his Worship would not discharge my Man till I had given Security for his Appearance, which I was obliged to do; so he was set at Liberty, and the Prisoner at the Bar was kept in Custody. — This is all that I know of the Matter.

[Here the Prisoner's Council rested his Defence, there being no other Witnesses to examine on his Behalf.]

Court to Prisoner. You have heard, Sir, what has been sworn; whatever you have to say in your Defence, now is your Time to speak it, and the Court will hear you. — (And then the Prisoner spoke to the following Effect, after the Crier had made Proclamation for Silence.)

‘ I have heard what has been sworn against me by the Witnesses on the Behalf of the Crown, and I appeal to the Court and the Jury, if there are not the greatest Improbabilities in the World in the Evidence they have given against me. I would speak particularly to what happened at Manchester. The Deputy Constable, he swears, that I gave him an Order to seize all Arms he could find, and to bring them to my Quarters: Mr. Maddox swears, That, at a Consultation amongst the Officers at Manchester, I was proposed for Colonel of the Regiment, which I refused, because I thought Mr. Townley was more fit for such a Command than myself.

‘ Now can any reasonable Man imagine, that I, who had refused to be the chief Commander of the Regiment, would do the servile office of going up and down the Town in Search for Arms?

‘ Every Gentleman of the Army (and I see several in this Court) very well know, that to go on such an Errand, would ill become any Officer of a superior Rank; and as to my own Part, I am sure I could not have done any such Business.

‘ I do not deny my being at several Places with the Rebels, and if I had been indulged with a longer Time to prepare for my Trial, I should have made appear very clearly, that I was taken Prisoner by the Rebels, and detained with them

‘ much

‘ much against my Inclination ; for there was no
‘ resisting Force.

‘ My Landlord, Mr. Chatterton, has made it
‘ plainly appear to this honourable Court, that I
‘ made my Escape as soon as it was in my Power ;
‘ and if I could have done it sooner, or have had
‘ an Opportunity to get away from them, I should
‘ have been very glad to have embraced it.

‘ As to my Capacity as one bred to the Law, I
‘ confess I never pretended to much Knowledge
‘ that Way, and therefore was a very improper
‘ person to counsel the Chief of the Rebels ; for my
‘ Advice, I am sure, could be of little Service to
‘ him.

‘ There were Abundance of Gentlemen of For-
tune seized as well as myself, who were obliged
‘ to go with the Army, till they found Means to
‘ escape as I did. I had been to pay a Visit to a
‘ Gentleman at Etherton-Hall in Cheshire, and I
‘ was seized by the Rebels, and they took my
‘ Horses from me.

‘ The Laws of *England* are very just and equi-
table ; and they say, that every Man shall be
‘ tried by his Neighbours, of the same State and
‘ Condition with himself.

‘ God help me, I am deprived of that Benefit,
‘ for I am now among Strangers who know no-
thing of me : They are upon their Oaths, and
‘ must give Credit to the Witnesses ; but I hope,
‘ and do not in the least doubt, that they will do
‘ me Justice.

‘ I have served the Crown of *England* in two
‘ Campaigns with some Reputation. And I be-
lieve no Gentleman belonging to the Army, who
‘ knows me, will deny what I now tell this honour-
able Court. I chearfully gave all the Assistance
‘ I could in the public Service, and I was always
‘ glad

' glad when my poor Endeavours were crowned
' with Success.

' Here have been many Witnesses examined
against me, and it is very impossible that I should
confute them, because of the short Time allow-
ed me.

' I think it a very great Hardship that I should
be the last tried of all these Gentlemen, because
I could have brought several of them to prove my
Behaviour, both at *Manchester* and several other
Places, was quite different from what the King's
Witnesses speak of ; but as they are convicted,
they cannot give any Testimony for me, and that
Assistance I might have had can now be of no
use to me.

' If I was to speak it with my last Breath, I must
deny that I went voluntarily into the Rebellion ;
but, as the Evidence of the Crown is so strong
against me, I must submit to the Determination
of this honourable Court, and I submit myself ac-
cordingly.'

[When the Prisoner had done speaking, Mr. Soli-
citor General stood up, and made a Reply, which
was to the Effect following.]

Solicitor General. ' I should not have troubled
your Lordships, or the Jury, with saying one
Word more relating to the Prisoner that is now
before you, but I find it necessary, from what
has been offered in his Defence, to observe, that
he has complained of many Hardships,

' He seems to think it a great Grievance, that
his being last tried has deprived him of many Ad-
vantages ; but, in my Opinion, he has had a
better Chance to defend himself, because it gain-
ed him more Time to get his Witnesses ready,
and to prepare for his Defence.

‘ Can any Man imagine that either of the Persons who have been convicted (if Mr. Morgan had been first tried) would have appeared to clear him of the Charge that is laid against him? If they had done so, they would have been their own Enemies, for their Evidence would have been a plain Proof against themselves, and convinced every Body that they were in the Rebellion.

‘ The Prisoner has no Need to complain of any Hardships; he has been used with as much Lenity and Tenderness as any Man in his Condition ever was; and nothing that he has asked, which the Law could grant, was ever refused him. He has had Council assigned him of his own chusing, to enable him to make his Defence, a Copy of his Indictment in due Time, and therefore he could not have any Pretence of being ignorant of what he stood charged with; and I am sure no one can say but he has had a very fair and impartial Trial.

‘ I think, of all the Prisoners convicted, it is very evident, that the Prisoner’s Case really appears the plainest of any; for of six Witnesses, there are four who were not concerned in the Rebellion, who positively swear to his Person, and that he was the most active of any one in the Rebel Service; and Mr. How particularly swears, That when he lodged at his House, he gave Directions for every Thing, and paid the Reckoning for himself and eight Officers who dined with him; and therefore he thought the Prisoner was one of the Heads of them. — These were his Words.

‘ Then there is Mr. Bowker, the Deputy Constable of Manchester, and he comes and swears, That the Prisoner at the Bar, with one Wallis (who is one of the Head Constables of Manchester, and Bowker’s Principal) came to him with a Paper

‘ signed

signed by the Pretender's Secretary, ordering him to search for all Arms, and carry them to the Lodgings of *David Morgan*, Esq; which he did accordingly ; for, in case of Refusal, he, and all those who refused to deliver up their Arms, were threatened with Military Execution. This Witness is positive to the Person of the Prisoner ; and I think there can be no plainer Proof of High-Treason than what has been sworn.

As to what Mr. *Chaiterton* has sworn of the Prisoner's Escape from the Rebels, and leaving *Ashborn*, I admit to be Matter of Fact ; but this plainly makes against the Prisoner ; for, when he found their Affairs were desperate, he was willing to shift for himself, and went away privately from them, purposely that he might not be seized by the King's Forces. He had been among the Rebels a considerable Time before this happened, and if (as he pretends) he was detained against his Will, he undoubtedly had frequent Opportunities of leaving them ; but that, you find, he never did, till his own Preservation and Safety required it.

As to his Complaint of Hardships, there is no one here that ever intended him any ; but the Jury must go according to the Evidence ; and I am sure that no Evidence in the World could have brought a Fact more home to the Prisoner than they have done this : And I doubt not but the Evidence that has been given will have a due Weight with the Jury, and that they will find him guilty of the Indictment.'

The Jury, without going out of Court, brought the Prisoner in *Guilty*.

David Morgan was about 51 Years of Age, born in *Wales*, and bred to the Law, and had frequently

(as a Barrister) attended the Courts at *Westminster Hall*, and elsewhere. He was a Person of a very mean Look, and seldom kept Company with any Gentlemen of his Neighbourhood; and if it had not been for his Estate, he might have starved; for he was so very lofty, and of so bad a Temper, that nobody but such as were beholden to him cared to employ him. This *Morgan* was possessed of a very good Estate in *St. Leonard's, Shoreditch*; but he let it all run to ruin, because he would not pay the Ground-Rent.

The Rebels called *Morgan* the Pretender's Counsellor, and his Advice was consulted on every Occasion. Even after he was condemned, he was haughty and insolent beyond Expression; and the very Afternoon before his Execution, he grumbled to pay the Cook who dressed his Dinner, and said she was very extravagant in her Demands.

He read to his Fellow-Prisoners above twenty Minutes at the Gallows, and died very unconcerned.

The Morning (about 6 o'Clock) before he went to Execution, he ordered Coffee to be made, and bid them take care to make it very good and strong, for he had never drank any since he had been in that Prison fit to come near a Gentleman; and because it was ready before he was unlocked, he seemed angry, and in a great Passion.

He was executed with the others on *Wednesday, Ju'y 30, 1746*, and his body delivered to his Friends to be buried.

The Proceedings of the 22d of *July*, the Day they received Sentence, we think proper to insert here, notwithstanding the Dying-Speeches have been before inserted at the End of those that have been executed.

St. Mar-

St. Margaret's-Hill, July 22d, 1746.

THIS Day, between Nine and Ten in the Morning, the Lord Chief-Judge *Lee*, Mr. Justice *Wright*, Mr. Justice *Foster*, Mr. Justice *Abney*, Mr. Baron *Reynolds*, and Mr. Baron *Clive*, came into Court and the Judges and Council being seated, *Francis Town'ey* was set to the Bar, and his Council moved to arrest Judgment, on account of his having a Commission from the *French King*; and that as there was an open War between the two Crowns, the Crime he stood convicted of could not be High-Treason.

This was replied to; and the Council for the King very learnedly argued, That the Prisoner was a natural born Subject of his Majesty; and as he had levied War in this Kingdom against his Majesty, he was liable to be punished with Death.

The Court over-ruled the Motion, and would admit of no Arrest of Judgment.

Then the other Prisoners were put to the Bar, (with *Alexander Abernethy*, *Samuel Gadd*, and *Thomas Furnival*, who pleaded *Guilty* on their first Arraignment) and severally asked, what they had to say, why the Court should not give Judgment against them, to die according to Law?

Then *Charles Deacon* and *James Willding* begged for Transportation; and *Abernethy* and *Gadd* delivered in two Petitions to the Court, setting forth, That they were forced into the Service.

Then my Lord Chief-Judge *Lee* passed the Sentence. His Lordship told them, that the Crime they had been convicted of, was one of the most heinous that could be committed by Mankind, in endeavouring to destroy their lawful Sovereign, ruin the Country, and alter both its Civil and Religious

Rights, and to introduce Popery and Slavery;—his Lordship also informed them, that much innocent Blood had been spilt, and the Lives of many had been lost, who stood up for their King and Country, whose Deaths lay at their Doors.—He exhorted them to make use of the short Time that is to be allowed them in the World, and then proceeded to pronounce that Sentence upon them which the Law commanded him to do, which was as follows :

‘ You the Prisoners at the Bar, must go from hence
 ‘ to the Gaol from whence you came, and from
 ‘ thence be carried to the Place of Execution, where
 ‘ you are severally to be hanged by the Neck, but
 ‘ not till you are dead, for you are to be cut down
 ‘ alive; your Bowels to be taken out, and burnt
 ‘ before your Faces; your Heads severed from
 ‘ your Bodies; your Bodies to be divided into
 ‘ four Parts; and those are to be at the King’s
 ‘ Disposal.’ —And the Lord have Mercy on your
 Souls.

*They all desired to be recommended to His Majesty
 for Mercy, with Tears in their Eyes. Then the
 Court adjourned to Wednesday the 30th of July.*

Town-Hall, St. Margaret’s-Hill, Wednesday,

July 30, 1746.

THIS Evening the Court, according to Adjournment, met, but did not proceed on Business, and Mr. Baron Clive adjourned it till the next Day.

St. Mar-

St. Margaret's-Hill, July 31, 1746.

This Morning, the Right Hon. Lord Chief-Justice *Lee*, the Right Hon. Lord Chief-Justice *Willes*, Mr. Justice *Wright*, Mr. Justice *Foster*, Mr. Baron *Reynolds*, and Mr. Baron *Clive*, came into Court, and being seated, the Crier made Proclamation for Silence; and the Keeper brought *James Nicholson*, a Lieutenant in the Duke of *Perth's* Regiment, and *Donald McDonald*, otherwise *David McDonald*, otherwise *Daniel McDonald*, a Captain in *Cappock's* Regiment, to the Bar, and they desired to retract their former Plea, which the Court having granted, they pleaded *GUILTY*; and hoped the Court would recommend them to his Majesty's Mercy.

Alexander McGrouther was then called, and put to the Bar, and for his Trial put himself upon God and his Country, and after making some Exceptions, a Jury was sworn to try him.

The Council for the King having opened the Indictment, that the Prisoner was a Lieutenant in the Duke of *Perth's* Regiment, they proceeded to call their Witnesses; and Mr. *Allen* was called and sworn accordingly.

Sol. Gen. Pray, Sir, acquaint the Court of all that you know of the Prisoner.

Mr. Allen. There are two *McGrouther's*, but this the oldest, and he was a Lieutenant in the Duke of *Perth's* Regiment; and the first Time he was in Arms, in the Pretender's Service, was the latter End of last *August*. He was a Tenant to the Duke of *Perth*, and accepted a Commission in the Rebel Service;—he was called Lieutenant in *Perth's* Regiment by the Officers and Soldiers, and

marched in his *Highland Dress* with the Rebels, from their first beating up for *Voluntiers* in *Scotland*.—He was at *Edinburgh*, and seemed very glad when the Pretender had got Possession of the City, and encouraged the Soldiers to be diligent, for that there was no Fear of Success; and if they were hearty, vigilant, and active, he did not doubt but they should succeed. He wore a white Cockade at *Edinburgh*, a Dirk by his Side, had Pistols in his Girdle, and a blue Bonnet, and the *Highland Rebels* paid a great Respect to him. He was at *Perth* when Possession was taken of that Town by the Pretender's Party, and always acted there as an Officer; and at every Place where the Rebels came, was very warm in their Cause, bidding the Rebels under his Command keep a good Heart, and fear nothing.—He spoke this at the Battle of *Preston-Pans*; and every Attack they made, he spirited up his Brother Officers, and desired them to keep a good Look-out, and take Care the Soldiers did their Duty.

Mr. *Maddox* was next called and sworn, who deposed, That he saw the Prisoner at *Carlisle*, in his *Highland Dress*, at the Time when his Royal Highness the Duke besieged the City;—that he was in a *Highland Plaid*, a Bonnet, a white Cockade, and Dirk, and was called Lieutenant *M'Grouther*, and greatly esteemed by the Rebels.

The Captains *Vere* and *Nevet*, who are Officers in the King's Service, deposed, That when the Rebels surrendered themselves, they had Orders from his Royal Highness the Duke, to examine all the Rebel Officers, and when they examined the Prisoner Mr. *M'Grouther*, he owned that he was an Officer (a Lieutenant) in the Duke of *Perth's* (as the Rebels called him) Regiment; and that he gave in his Name as an Officer;—and all the

Wit.

Witnesses agreed, that the Prisoner was under no Restraint, but acted as voluntarily as the other Rebel Officers.

Prisoner's Defence.

The Prisoner's Council insisted, that the Duke of *Perth* had compelled him to enter into the Rebellion, and had threatened him, if he refused to join them, to burn his House to the Ground, to destroy all his Cattle and Stock of Corn, and to lay waste all that belonged to him; — and to prove this they called four Witnesses, who, in general, deposed, That several of the Duke of *Perth*'s Men came and threatened him, the Prisoner, with Destruction, if he refused joining the Rebel Forces; and, that being compelled, he was forced to join them to save himself from Ruin.

The Evidence on both Sides being closed, my Lord Chief-Justice summed up the Evidence to the Jury; and as the Proof was very strong, and it appearing that he marched with the Rebels, and enlisted at the Beginning of the Rebellion, and continued with them till the Surrender of *Carlisle*, the Jury, (without going out of Court) found him *GUILTY*.

And then the Court adjourned to the second of *August*.

St. Margaret's Hill, Aug. 2, 1746.

THIS Day the Court met, and the Right Hon. my Lord Chief-Justice *Willes*, Sir *James Reynolds*, and Sir *Michael Foster*, being seated, *James Strutton*, Surgeon in the Duke of *Perth*'s Regiment,

ment, and Surgeon of the Garrison of *Carlisle*, was brought to the Bar, and for his Trial he put himself upon God and his Country: The Witnesses that were produced for the King, not proving that he was in Arms; and allowing that he was forced into the Service, and that he never bore Arms, he was, after a short Trial, acquitted, and, by Order of Court, discharged out of Custody.

*W*alter Ogilvie, Lieutenant in Lord Lewis Gordon's Regiment, was brought to the Bar, and pleaded *Guilty*; and asked Pardon of the Court for pleading (in his former Plea) *Not Guilty*; and he hoped, (as he was a young Man) the honourable Court would recommend him to his Majesty's Mercy.

After *Walter Ogilvie* had pleaded *Guilty*, he, with *James Nicholson*, *Donald McDonald*, and *Alexander McGrouther*, were called to the Bar, and severally asked what they had to say, why the Court should not award Judgment of Death against them according to Law, upon their Conviction for High-Treason?

They said, they relied on his Majesty's Mercy; though Serjeant *Wynne* moved in Arrest of Judgment; but that Motion was soon over-ruled by the Court: The Lord Chief-Justice *Willes* made a Speech to them, so expressive of the Foulness of their Guilt, the Miseries and Calamities they had brought upon their Country, and of the dreadful Consequences to this Nation in general, if Success had attended them; that it not only brought Tears from them, but from most of the Hearers, who were all moved with Indignation at the base

Practices of the Prisoners ; and then his Lordship said,

‘ You *James Nicholson*, you *Donald McDonald*,
 ‘ and you *Walter Ogilvie*, you have been convicted
 ‘ of High-Treason on your own Confessions ; and
 ‘ you *Alexander McGrouther*, have been convicted
 ‘ by an impartial Jury, of High-Treason, after a
 ‘ very fair and impartial Trial.’

And then his Lordship pronounced the Judgment of Death as is before inserted, to be pronounced by the Lord Chief-Justice *Lee*, on the 17 Rebels at the same Place.

After which the Court adjourned to the 23d of August, when the Grand Jury are to meet ; and the petty Jury were adjourned till they should be again summoned to give their Attendance.

The following is an Account of the Behaviour and Dying Words of Donald M'Donald, James Nicholson, and Walter Ogilvie, executed on Kennington-Common, pursuant to their Sentence on Friday, Aug. 22, 1746.

*D*onald McDonald, aged 25, last December, was born near the Town of Inverness, at the Bottom of the Firth of Murray, in the North Highlands, and is of the Clan of the McDonalds of Kepoch, a People always remarkable for encouraging and promoting Rebellions. This Clan was one of the first that joined the young Pretender, and brought over several other Clans to espouse and support his Interest. McDonald said, that he and his Uncle (who was Colonel of the Regiment) joined the young Pretender soon after he was landed, and

that the Pretender careffed them very much, and made his Uncle a Colonel, and him a Captain.

At the Battle of *Preston-Pans*, (where the brave Colonel *Gardiner*, and many gallant English Officers dropt in Defence of their Country) he said, his Courage was greatly applauded by the young Pretender, where he fought under his Uncle in the Right Wing, which was commanded by the Duke of *Perth* as Lieutenant-General.—He declared the Ravages and Outrages that the Rebels committed at *Perth*, and in the neighbouring Country, were so cruel and brutish, that it even shocked him; for there was no restraining the Soldiers from Excesses of this Kind.—He began to be very angry with himself for taking on with the Duke of *Perth*, and his Uneasiness was greatly encreased, because he saw the bloody-minded Duke stab two young Men at *Dundee*, (his Tenants) for not enlisting at his Command.—He often used to say, *He was sorry he was not shot; but, said he, Fate has designed me for a more shameful Death.*

2. *James Nicholson* was born in *Scotland*, and at his Death was 44 Years of Age. His Parents lived in good Reputation, and gave him a very liberal Education. He kept a Coffee house in *Leith*, had good Business, and was resorted to by Gentlemen of the best Fashion in that Part of the Country. His Fortune was not a little increased by marrying a young Lady, who, besides a handsome Sum of Money which she brought him, was happily endowed with all those Accomplishments which render the Fair Sex amiable. Thus happily settled in the World, easy in his Circumstances, blessed with a beautiful and affectionate Wife, and six fine Children, nothing could hurt him but his own Folly and Infatuation, which hurried him on to join the Rebels at *Edinburgh*, and was a Lieutenant in Capt.

Capt. *Gadd's Company*, who was condemned, but since reprieved. *Gadd*, it seems, was one of those Gentlemen who frequented his Coffee-house, and was the chief Instrument of converting him to the Pretender's Service, by promising him a Lieutenantancy at first, and further Promotion, as Opportunity should serve.

Nicholson always behaved with great Composure and Decency; and often said, he had a great deal to answer for, because he had been a very wicked Rebel, and had done a great deal of Mischief in Scotland.

3. *Walter Ogilvie*, 22 Years of Age, was born of creditable Parents in the Shire of *Bamff*. His Mother is dead, but his Father is still living, and gave him a very good Education, and instructed him in the Protestant Religion, and the Principles of Loyalty and Submission to the present happy Establishment. But unhappily keeping Company with some of the *Jacobite* Party when the Rebels entered the Shire of *Bamff*, he too easily imbibed their Principles, and too readily took on in their Service. He joined *Lord Lewis Gordon*, who, in regard of the young Man's Family, and his own natural Vivity and Forwardness for the Service, gave him a Lieutenant's Commission; which encouraged him to act with all his Vigour for the young Pretender.

They were all drawn to the Place of Execution in one Sledge, where they behaved very penitent, and prayed very devoutly, and gave several Papers away; but they were only some Prayers they had wrote down. They all died obstinately in the Faith they had lived, that was, calling the young Pretender their Prince.

Memoirs of Dr. Cameron, executed for High-Treason. 1753.

*E*van Cameron was Chief of one of the most famous Clans in the Highlands, and was in the Rebellion in 1715, from whence he escaped with the Pretender to France; and likewise in the Year 1745, when he was 80 Years of Age; he accompanied the young Chevalier in his Expedition to Scotland. He had two Sons; *Lochiel*, who was Head of the Clan in his Father's Absence abroad, and one of the most active Generals the young Pretender had in this last Rebellion; and *Archibald Cameron*, who is the Subject of these Memoirs.

Archibald, being the younger Son, his Father educated him in all the Branches of Learning, which the best Schools and Universities of Scotland could instruct him in. His Father designed him for the Bar; but young *Archibald* observing, that in order to be properly qualified for an Advocate, he must be Master of all the Quirks and sophistical Reasonings that are usually made use of to puzzle a Cause, and hoodwink the Understanding with factitious Arguments; he therefore applied himself to the Study of a Science, more agreeable to his natural Genius and Turn of Mind; Physic was therefore pitched upon, as a Profession more advantageous, and indeed more agreeable to Mr. *Cameron*'s Inclinations. In order to which, the Knowledge of the human System was highly necessary. For this Purpose, he applies himself to the Study of Anatomy; for without some tolerable Knowledge of this, a Man will make but a very indifferent Figure, either as a Physician or Surgeon. He therefore put himself under the Direction of Dr. *Alexander Monro*, of the University of Edinburgh, a Gentleman of established Reputation.

Mr.

Mr. *Cameron* having acquired a competent Knowledge in Anatomy, proceeded to the Study of Physic, and herein was instructed by Dr. *Sinclair*, a Gentleman very eminent in the Faculty. Having been convenient Time with Dr. *Sinclair*, he resolved to travel, and improve himself in foreign Countries, in the Practice of an Art which he intended to make his Profession. Accordingly he went to *Paris*, where he had the best Opportunities of increasing his Knowledge. And being at length sufficiently qualified for Practice, he returned to *Lochabar*, where, soon afterwards, he married a young Lady of good Repute, whose Name was *Campbell*, who made him the Father of seven Children, and was big with Child at the Time of her Husband's Death; unhappy for her and them, to have so large a Share of Sufferings allotted them for his Crime, without being Partners in his Guilt.

Thus Dr. *Cameron*, who might have made a considerable Figure, even in a Court, or a popular and well-cultivated City, contents himself with exercising his Talents among a People, whose Manners and Fierceness resembled them very much to the wild Beasts of a Forest; yet by his gentle and humane Carriage among them, many of them were induced to follow a more honest Course of Life, than was, at that Time, generally ascribed to the Highlanders, especially the *Camerons*, who were reckoned the most infamous of the Clans, for their Theft and Plundering. The Doctor, therefore, took as much Pains in cultivating the Minds of these poor ignorant Wretches, as he did of their Bodies, in prescribing proper Remedies in all their Illnesses; so that the whole Clan, by Means of his and his Brother's Instructions and Regulations, were greatly reformed in their Morals; Honesty and Industry increased every where, by the Encouragement given by their Patrons, who took all imaginable Pains

Pains to instruct them in the Principles of Justice and Religion, and to civilize their Manners, by teaching them to behave like rational and sociable Creatures.

As Dr. *Cameron* was a Man of no Ambition, but of a quiet and easy Temper, the Reader must not expect to find him engaged in any military Exploits during the late Rebellion; his only, or chief Business in the Army being to attend his Brother *Lochiel*, and to assist him with his Skill, if any Disaster should happen to befall him in Battle.

But tho' *Lochiel*, at the Instigation of his Father, and the earnest Entreaties of the Chevalier, was (contrary to his own Inclinations) prevailed upon to set up his Standard for the Pretender; yet his Brother, the Doctor, could not be induced to co-operate in their Measures for a good while; but when *Lochiel* had once listed himself, his Honour would not suffer him to desert the Cause he had now espoused, but found his Brother had left him in Disgust. This gave him a good deal of Disquietude; for he could not bear the Thought, that one so nearly related to him, should have a separate Interest. Upon which he sent a Messenger to him, with an Order, requiring his immediate Attendance. The Doctor obeyed; but could not be easily wrought upon to concur in his Brother's new Schemes. He remonstrated, in the strongest Terms, on the unsurmountable Obstacles that he foresaw would attend the Undertaking, and the terrible Consequences of a Miscarriage. *Lochiel*, however, would take no Denial; telling him, he did not want the Assistance of his Sword, or his Valour, but only desired he would attend him as his Companion, that he might always have the Advantage of his Advice and Skill, in Case the Fortune of War should render either of them necessary. The Doctor, how ill soever he thought of the Cause,

yet

yet his Affection for his Brother, and the many signal Obligations he lay under to him, at length prevailed over all other Considerations, and he submitted to share his Brother's Fate, whatever it should be.

But though the Doctor was, with great Reluctance, and, in a Manner, forced to join in his Brother's Measures, yet he absolutely refused to accept of any Commission in the Army; neither did he act there, as far as ever I could learn, in any other Capacity than as a Physician. He was perfectly unacquainted with the military Art, and therefore wholly unqualified to give his Advice, or even his Vote in Council, upon any Operations that were proposed by the Chiefs, or General Officers.

Dr. Cameron was of so humane a Disposition, that, if Credit may be given to general Report, when any wounded Prisoners were brought to him, he was as assiduous in his Care of them as if they had fought in the Cause he espoused; and 'tis affirmed, that he never refused his Assistance to any one that asked it, whether Friend or Foe.

At the Battle of *Falkirk*, *Lochiel*, at the Head of his *Camerons*, vigorously attacked the King's Troops, and very much contributed to turn the Fortune of the Day; but in the Heat of the Action was wounded by a Musket-ball in the Leg; which being observed by his Brother, the Doctor, who always kept near his Person, he begged him to retire to have it dressed, which he accordingly did; but as the Doctor was lending him his Assistance, he himself received a slight wound.

The Battle of *Culloden*, which put a final Period to the Rebellion, and all the Pretender's Hopes of sitting on the *British* Throne, was likewise fatal to vast Numbers of his Followers and Adherents, Multitudes of whose Carcasses spread the bloody Field; and

and they that escaped were but reserved to suffer infinite Difficulties and Hardships. The *Camerons* behaved with their usual Bravery, and *Lochiel* their Chief was sorely wounded in the Ankle. Being over-powered, and obliged to retire before his Enemy, he was closely attended by his Brother, the Doctor, who dressed, and took all imaginable Care of his Wound till it was healed.

The Rebels being at length totally dispersed, the Chevalier wandered up and down the Country, suffering many Evils, and in continual Danger of falling into the Enemy's Hands; yet looking out for some *French* Ship that might carry him away. At length a small Schooner of about 18 or 20 Tons, arrived in the Harbour of *Flota*, in the Isle of *South-Uist*, where the Chevalier, his Friend *Lochiel*, and Dr. *Cameron* happened then to be. In this Vessel they joyfully embarked, and the next Morning, which was Sept. 17, they set sail for *Bologn*, where, after a quick Passage, they safely arrived, to the Surprise of their Friends, and their own Satisfaction.

Lochiel had a Regiment given him in the *French* Army, and the Doctor was made Physician to the same, and so continued to the Death of his Brother, which happened in Sept. 1748; after which he was Physician to Lord *Ogilvie*'s Regiment, then at *Lisle*.

About the Year 1750, a Collection was made among those who were Friends to the Pretender's Cause, for the Support of the unhappy Adherents abroad. Dr. *Cameron* then came over to *England*, to receive a Part of those Contributions. Another Collection was afterwards set on Foot for the same Purpose, and the Doctor made Instances to his Friends here in *England*, for a Part in the same; representing by his Letters, that his Pay in the Army was not sufficient to support him, and his numerous Family. But after many Solicitations,

not

not receiving any satisfactory Answers, came over himself; and this was the Business that brought him to *Scot'land*, when he was discovered and brought to *London*. The Manner of his Apprehension was as follows :

On March 26, Dr. Cameron, Brother to *Lochiel*, who was engaged in the last Rebellion, and attainted, was brought Prisoner to the Castle of *Edinburgh*. He was taken by a Party of Lord *George Beauclerk's* Regiment, detached from the Fort at *Inversnaid* in Search of him ; this Detachment was commanded by one Capt. *Graven* : They had Information of the House where he was to stay some Days ; but in their March to it, were obliged to pass through two small Villages ; at the End of the first they saw a little Girl, who, as soon as she perceived Soldiers, ran as fast as she could ; a Serjeant and two or three Men pursued her ; but she reached the other Village before they could overtake her ; there she sent off a Boy, who seemed to be placed there to give Intelligence of the Approach of the Soldiers. They then pursued the Boy ; but finding they were not able to come up with him, the Serjeant called out to his Men to present their Pieces, as if they intended to shoot him. The Boy, on this, turning round, begged his Life ; they secured him, and then went to the House where the Doctor was, which they beset on all Sides ; and finding him there, they secured him.

When he was brought to the Castle at *Edinburgh*, the Lord Justice Clerk went to him, and told him, ‘ You are the only Man in your Circumstances, that ever I had Occasion to speak to, ‘ (since I have been engaged in Business) whose ‘ Answer to me could be of no Prejudice to him ; ‘ because you are to be carried to *London*, and there ‘ are Witnesses ready to appear against you at the ‘ Court of *King's-Bench*, to prove you are the identical

' tical Dr. *Cameron*, mentioned in the Bill of At-
 ' tainer. This, Sir, will condemn you, and you
 ' are not to have any further Trial.' This struck
 him; and after some Pause, he replied, ' That
 ' he did not come over with a political Design, but
 ' only to transact some Affairs relating to the L.
 ' chiel Estate.'

Among other Methods which the Parliament
 took to extinguish the Pretender's Hopes for the
 future, they made an A&t to attaint several eminent
 Persons among the Rebels, in Case they did not
 surrender themselves to the Government by a Day
 appointed. None of them, however, that were
 therein mentioned, came in or surrendered, except
 Secretary *Murray*, who thought to merit the Fa-
 vour of the Government by becoming Evidence
 against Lord *Lovat*. Dr. *Cameron* was unhappily
 in the same List, and consequently liable to the
 Penalty of the Statute, whenever he should be taken
 in the Realm.

After Dr. *Cameron* had been some Time in *Edin-*
burgh Castle, he was conveyed to *London*; and on
 his Arrival, was examined before the Council at
 the *Cock-pit*, where he disowned himself to be the
 identical Person mentioned in the Bill of Attainder,
 which obliged the Secretaries to look out for some
 of those Witnesses, who had given Evidence at the
 Trials of the Rebels in 1746.

Thursday Morning, May 17, Dr. *Cameron* was
 carried from the Tower, (attended by several War-
 ders, and a Party of the Guards) to the Court of
King's-Bench, and there arraigned upon the A&t of
 Attainder passed against him and others, for being
 in the late Rebellion, and not surrendering in due
 Time. The four Judges were on the Bench; and
 the Prisoner not being desirous to give the Court
 any Trouble, readily acknowledged himself to be
 the identical Person; whereupon, after due Deli-
 beration,

beration, the Lord Chief-Justice Lee pronounced the following Sentence.

‘ You Arch’ald Cameron of Lochiel, in that Part of Great Britain called Scotland, must be removed from hence to his Majesty’s Prison of the Tower of London, from whence you came, and on Thursday the 7th of June next, your Body to be drawn on a Sledge to the Place of Execution ; there to be hanged, but not till you are dead ; your Bowels to be taken out, your Body quartered, your Head cut off, and affixed at the King’s Disposal ; and the Lord have Mercy on your Soul.’

On receiving the Sentence, he made a genteel Bow, and only desired Leave to send for his Wife, who, with seven Children, entirely dependant on him, were then at Lisle in Flanders, which was granted. He said, that in 1746, he came from France to surrender himself, but was prevented by an Accident happening in his Family. He behaved with great Resolution before the Court, and answered to every Question with a becoming Decency.

During the Interval between the Sentence and Execution, his Wife used all possible Means to obtain a Pardon, by delivering a Petition to his Majesty, another to her Royal Highness the Princess of Wales, and to several of the Nobility ; but without Effect. For on Thursday, June 7th, he was conveyed on a Hurdle from the Tower to Tyburn, and there executed according to his Sentence.

His Behaviour all along was firm and intrepid, yet decent and solid, becoming a Man who expected, but feared not the Stroke of Death.

On Wednesday, Orders were sent to the Tower, that the Gates should be shut at 6 o’Clock, and no Persons admitted whatever after that Hour, to prevent

vent any Attempts that might be made to favour his Escape.

As soon as his Wife arrived from *Flanders*, she immediately repaired to her Husband in the Tower, who received her with all the Tenderness and Affection, which the Greatness and Solemnity of the Occasion could inspire. The Grief and Anguish of her Soul is much more easily imagined than described. She came to take her last Farewell of him, who, by all the Ties of mutual Affection, was dearer to her than all the World. And, as an Aggravation to her Affliction, she not only saw herself about to be deprived of an affectionate Husband, but to be left destitute of a Support for herself and numerous Family. Their Children, the dear Pledges of their Loves, must now be exposed to all the Necessities and Casualties of Life, without the Patronage of a kind and indulgent Father, to have Recourse to for Advice and Assistance. The Consideration of this Train of Evils, now hastening upon her, made such a strong Impression on her Mind, as to force a Flood of Tears from her mournful Eyes. He comforted her as well as he could, and desired her to use all the Means in her Power to save his Life, which was to present a Petition in his Favour to his Majesty, who, perhaps, might be prevailed upon to save him.

In the Morning of his Execution, she took her last Leave of him; indeed it was a very mournful one, and melted those who saw it into Tears. The Excess of her Grief so affected her Senses, that she soon afterwards became distracted; so great was her Love for her Husband, and so intense her Sorrow for his sad Catastrophe.

As soon as she was gone, the Doctor put himself in a Readiness to receive the Sheriff, and those who were to conduct him to his Execution. Accordingly,

cordingly, about 10 o'Clock, he was brought out of the Tower, by a Party of the Horse-Guards, who delivered him to the Sheriffs of London and Middlesex, as soon as he was come without the Tower-gate. He was then put into the Hurdle, to which he was fastened by the Executioner. In this Manner he was drawn through the City, attended by Sir *Richard Glynn*, one of the Sheriffs, and under Care of the Sheriff's Officers and Constables, to the Place of Execution. Sir *Charles Afgill*, the other Sheriff, left the Prisoner at the Tower, and Sir *Richard* followed the Sledge from the Tower, in his Chariot, to Tyburn.

The Doctor was dressed in a light-coloured Coat, red Waistcoat and Breeches, and a new Bag-wig. In his Passage through the Streets, he was observed to look about, as if in Admiration of the vast Multitude of Spectators that crowded the Streets, Windows, and Balconies, to see him pass, and bowed to several Persons. About 12 o'Clock he arrived at the Place of Execution.

Being arrived there, and helped into the Cart, he desired to speak with the Sheriff; who being come to him, the Doctor entreated the Favour of him, that he would give Orders to his Officers to let his Body hang till he was quite dead, before the Executioner began his farther Operations. The Sheriff promised to oblige him in his Request; and accordingly the Body was permitted to hang full three Quarters of an Hour, and was not cut down before it was very certain that no Life was remaining in him.

He had likewise some Discourse with the Executioner about the Disposal of his Body after Execution was performed, which he desired might be decently put in a Coffin, and conveyed to Mr. *Stephenson's* the Undertaker, and that his Cloaths might

might be given to his Friends, in Lieu of which, that he might not lose his usual Perquisite, he bid him take what Money was in his Pockets.

While he was in the Cart, a Gentleman in a Lay-habit, came to him, and prayed with him for about a Quarter of an Hour, and then left him to his private Devotions. From this Incident the Spectators imagined that the Doctor was a Roman Catholic, and that the Gentleman who prayed with him was a Priest.

But whatever his Religion was, he died with great Steadiness, Constancy, and Resolution, without any visible Alteration in his Countenance or Behaviour, but perfectly resigned to the Will of Heaven, and cheerfully acquiescing with the Sentence which the Laws of his Country had passed upon him.

He made no public Profession of his Faith, nor declared what Religion he was of; nor did he address the People in a Speech; nor did he give any Letters or Papers to the Sheriff, or any other Person present at the Execution.

His Body being taken down from the Gallows, the Executioner cut off the Head, and took out the Bowels, but did not quarter the Body. His Body and Head were put into a Coffin, with this Inscription upon it, Dr. Archibald Cameron suffered the 7th of June, 1753, aged 46. A Hearse conveyed it to Mr. Stephenson's the Undertaker, opposite to Exeter-Change.



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